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That God of his Infinite Mercy may preſerve Your Majeſty, and bleſs you with Wiſe Counſels, Obedient Subjects and Proſperous Undertakings, and after a long and happy Reign on Earth, may Crown You with an Incorruptible Crown of Glory, is the daily Devotion of,

May it pleaſe your Sacred Majeſty,

London, the 21ſt of *October*, 1673.

Your Majeſties moſt faithful,
moſt humble, and moſt loyal
Subject and Servant,

Gilbert Burnet.

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Memoires of the life and actions of James Duke of Hamilton

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CHARLES R.

WHereas *Gilbert Burnet*, one of Our Chaplains in Ordinary, hath composed a Book, entituled, *Memoires of the Lives and Actions of the Dukes of Hamilton*, which We have Seen and Approved; and whereas he hath humbly desired Our Royal Licence for the Printing and Publishing of the same, We have thought fit to condescend unto that his Request, and We do accordingly hereby Grant Our Royal Licence and Priviledg unto the said *Gilbert Burnet*, his Heirs, Executors, Administrators, and Assigns, for the sole Printing and Publishing of the foresaid Book, for the Term of fourteen Years, to be computed from the day of its being first set forth. And Our Will and Pleasure is, and We do hereby Require and Command, that during the said Term of Fourteen Years, no Printer, Publisher, or other Person whatsoever, Our Subjects, do presume to Imprint, or cause to be Imprinted, without the knowledg and consent of him the said *Gilbert Burnet*, his Heirs, Executors, Administrators, or Assigns, the foresaid Book, in whole or in part, or to Sell the same, or to Import into Our Kingdom any Copies thereof, Imprinted in Parts beyond the Seas, upon pain of the Loss and Forfeiture of all Copies so Imprinted, Sold, or Imported, contrary to the Tenour of this Our Royal Licence, and of being further proceeded against as Offenders against the Act made in the Fourteenth Year of Our Reign, entituled, *An Act for Regulating Printing, and Printing-presses*, and suffering the Mulcts, Penalties, and Inflictions in the said Act, particularly mentioned, as the Cause shall require.

Given at Our Court at White-Hall, *the third day of* November, 1673. *in the Five and Twentieth Year of Our Reign.*

By His Majesties Command,

H. C

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THE PREFACE.

Hiſtories are of all Books the moſt univerſally read: the wiſer find matter of great Speculation in them, and improve their Knowledg by the Experience theſe give them; and weaker Perſons make them their Diverſion, and entertain Diſcourſe with them. But moſt Writers of Hiſtory have been men that lived out of buſineſs, who took many things upon truſt, and have committed many and palpable Errours in matters of Fact, and either give no account at all of the ſecret Cauſes and Counſels of the greateſt Tranſactions, or when they do venture upon it, it is all Romance, and the effect of their Imagination or Intereſt.

And indeed the Authors of all the Hiſtories that were written for near a thouſand years together, being for the moſt part Monks, there is no great reaſon to think they were either well informed, or ingenuous in what they delivered to Poſterity, though there is perhaps no Nation that is more beholding to their Labours than England *is.*

Of all men thoſe who have been themſelves engaged in Affairs, are the fitteſt to write Hiſtory, as knowing beſt how matters were deſigned and carried on, and being beſt able to judge what things are of that Importance to be made Publick, and what were better ſuppreſſed. And therefore Cæſars *Commentaries are the moſt Authentick, and moſt generally valued pieces of Hiſtory; and in the next Form to theſe* Philip de Comines, Guicciardine, Sleidan, Thuanus, *and* Davila, *are the beſt received, and moſt read Hiſtories, (only the laſt hath failed in ſome particulars:) for theſe men wrote of things in which they were conſiderable Actors, and had great Intereſt and good Information. Next to theſe, thoſe that have had the peruſal of the Cabinets of great Miniſters, and of Publick Records, are the beſt qualified for giving the World a true Information of Affairs. This makes the moſt celebrated Hiſtory of the* Council of Trent *be received over all the World as a Pattern of Hiſtory.* Strada *and* Grotius *are alſo highly valued upon the ſame account.*

But it has been commonly found, that Hiſtorians being generally of a Party, and having Ends to ſerve, or being under the curb of procuring Licences, have accommodated their Relation to the taſt of thoſe they intended to flatter, and ſo have corrupted the Truth with the concealment of many things fit to be known; and to make amends for that, have added as many Sophiſticating Colours to make the beſt things look ill, and to give ſome fair appearances to the worſt things. And this has generally detracted ſo much from the value of Hiſtory, that moſt people begin to neglect ſuch Books, for they do not believe that they write Truth. And it is no wonder many are full of ſuch prejudices at Ancienter Hiſtories, for they reckon that men in all Ages were pretty near the ſame temper they find them to be of at this day, and there is ſuch foul dealing in the Hiſtories of our own Time, and things that are ſo eminently falſe are poſitively aſſerted, that from thence many conclude all other Writings of that nature are likewiſe to be ſuſpected: only Forgery and Impudence has not now

ſo much Art to conceal or diſguiſe it with, as it had in former Ages, ſince moſt of our late Hiſtories are written either in the ſtyle and ſtrain of Panegyricks *or* Satyrs, *which of all things an Hiſtorian that would be believed ought to avoid moſt carefully; for naturally all people are apt to ſuſpect Intereſt or Malice, when they find much Flattery, or Paſſion in a Hiſtory.*

Too much Art does but diſgrace it, for though Father Paul *has written his Hiſtory of the* Council of Trent *in as flat and plain a ſtyle as was poſſible, and Cardinal* Pallavicini *has adorned his with all the Beauty of Art and Wit; yet there appears ſomewhat ſo native in the one, and ſo laboured in the other, that it does much prepoſſeſs the Reader with an inclination to believe the one, and disbelieve the other.*

A ſhort and conciſe ſtyle, though it ſucceeded wonderfully with Tacitus, *and not ill with* Grotius; *yet by the common Verdict of all men is judged not ſo proper for a Hiſtory, which ſhould open up things fully, ſo as to be eaſily underſtood by every Reader.*

Theſe common failings of Hiſtorians have in this laſt Age made people deſire to ſee Papers, Records, and Letters publiſhed at their full length. Livy *begun the making of Speeches in Councils, and at the heads of Armies, for States-men and Generals, and was much followed till within this Age, that theſe things became Univerſally diſtaſtful; and inſtead of that which was but the iſſue of the Writers brain, the World deſires nothing ſo much as to ſee the Truth of things as they were really deſigned and acted, rather from ſome Original Papers, than from the Collections or Extracts of perſons of whoſe Fidelity or Judgment they are not well aſſured.*

Of all Nations in the world the French *have delighted moſt in theſe Writings, ſo that the* Memoires *written in that Nation and Language ſince the days of* Henry *the* 3d, *would almoſt make up a Library: and every year we get over new* Memoires *of ſome one Great Perſon or another. And though there are great Indiſcretions committed in publiſhing many Secrets and Papers, not fit for Publick View; yet this way of Writing takes now more in the World than any ſort of Hiſtory ever did. There is but one in this Iſland that hath hitherto written in that Method, and his* Collections *are ſo well received that it gives great encouragement to any who will follow him in it.*

And indeed it is a much eaſier thing to write in this way than any other, for when a man undertakes a Hiſtory, *he ought to be well informed of all that paſſed on both ſides, and is obliged to publiſh every thing that is of Importance for opening up the ſecreteſt Cauſes and Beginnings of great Changes or Revolutions; this being the chief Inſtruction that men receive from Hiſtory, by which they are moſt enabled to provide againſt, and prevent miſchief for the future. But he that writes* Memoires *from a Collection of Papers that are in his hands, has no ſuch ties on him, being only obliged to give a faithful account of ſuch things as are in his Papers; and where theſe fail, he is at no loſs, but may well paſs over ſuch Particulars as occur not to him.*

For the Lives of Great Perſons, though it might have been expected that after the many excellent Patterns Plutarch *had left the World, thoſe ſhould have been generally well written; yet there is no ſort of Hiſtory worſe done, they being ſo full of groſs Partiality and Flattery, and often ſwelled with trifling and impertinent things, ſo that it is no great wonder if this kind of Writing be much decried and neglected.*

I had all theſe Conſiderations before me when I deſigned and drew this Work, and therefore will be more guilty if I tranſgreſs the Laws of Writing Hiſtory without Partiality and Paſſion.

The

The Preface.

The late Civil Wars of this Iſland deſerve a good and full Hiſtory, as much as any Tranſaction in any part of the World. For it was a ſtrange and unheard-of thing to ſee a Prince, whoſe Title was unqueſtioned, and who had great Virtues and eminent Piety, and was of the ſame Religion with His Subjects, and had never put any of them unjuſtly to Death, ſo oppreſſed by a prevalent Faction; and that a Party which was not headed by any new Pretender, nor under the united Authority of any one Perſon, but on the contrary was divided from the very beginning into two great Factions, ſhould become ſo ſucceſsful, as to defeat Him in the Field, take all His Garriſons, impriſon His Perſon, and in end put Him to Death openly, with a Form and ſhew of His Juſtice, many thouſands of His lamenting Subjects looking on; and that all this was done near ſo great and populous a City, which did univerſally pity His Condition, and abhor the Crime, and yet not ſo much as one Perſon made a Tumult to oppoſe it.

The Riſe and Progreſs of ſuch a War is a thing which every one deſires to be particularly informed about: for though many have publiſhed Relations of thoſe times on both ſides, yet there is ſcarce any body ſatisfied either with the Truth of Matters of Fact, or with their way of Writing. But the firſt beginning and riſe of the Civil Wars having been in Scotland, *from whence they moved Southwards, there can be no clear Underſtanding of what followed until theſe firſt Diſorders be truly ſtated.*

This made me oft wiſh that ſome Moderate Pen were employed in giving a juſt and true Relation of the Reign of the late King. I was my ſelf pretty early acquainted with a great deal more of the Truth of theſe Affairs than is generally known, having had the bleſſing of my Father's Converſation for many years; who had been a very exact Obſerver of all that paſſed. He was alſo much importuned by men of all ſides to write the Hiſtory of thoſe diſtempered Times, being eſteemed a Perſon of great Moderation and Candour; who, as he had his breeding in the Law, ſo lived in great Friendſhip with the moſt eminent Perſons of both Perſwaſions: for before the Troubles began he was accounted a Male-content, but he did afterwards give ſuch ſignal demonſtrations of his Loyalty, that he was put from his Employment, and made to take a voluntary Exile on him, which was granted him as a great Favour by the Covenanters, who generally had much kindneſs for him, for all his being ſo contrary to their ~~way~~ *and* Warriſton, *his Brother-in-Law, in whoſe hands were all the Original Papers of the Covenanters ſide, offered them to him for his Aſſiſtance, if he would undertake it; but he was over-grown with Age and Infirmities, and ſo could not ſet about ſo difficult a Work. But I received from him ſuch Informations, as made me look on moſt of the Writers of thoſe Times with Indignation, who were either utterly ignorant, or ſo baſely partial, that Matters of Fact are falſly repreſented, and the whole Counſels and Secret Contrivances either quite paſſed over, or ſo palliated that there is very little truth in the Relations they have made.*

And particularly, I wondred to find James *Duke of* Hamilton *repreſented to the World, with ſuch foul and baſe Characters, as if he had been a Monſter both for Ingratitude and Treachery, though he had laid down his Life for the King, and involved his Eſtate in vaſt Debts for His Service. It ſeemed to me the greateſt Injuſtice in the World, that one who ſerved his Prince and his Country ſo long, and ſo faithfully, and ſealed all with his Blood, ſhould not only be deprived of the Honour due to his Memory, but that a company of ignorant and impudent Slanderers ſhould do what they could to at-*

taint his Blood and Family, by the black Imputations they have caſt on him, and that this ſhould paſs current without any Vindication.

This made me reſolve, if ever I could meet with ſuch Inſtructions as might direct me well to write an account of the late Troubles, and in particular to give a true and clear Relation of that Duke's Concerns, to ſet about it. I knew well the Temper of thoſe who were moſt ſevere in their Cenſures on him, to be a violent and hot-headed ſort of People, who were for nothing but Fire and Sword, and yet knew not how to do much more than to drink and ſwagger; and therefore, as I was naturally inclined to diſregard their Bluſterings, ſo I was apt to think his Counſels muſt have been moderate for tempering the eagerneſs of other mens Paſſions, which did enrage them ſo much againſt him; ſo that they having diſperſed many falſe Stories of him, theſe were eaſily received by our Scribling Hiſtorians, and have been made uſe of to poyſon the Truth of the Hiſtory.

It is ſuch a natural and conſtant effect of Paſſion to carry men to Extreams, that it is no wonder if thoſe who had more temper and fore-ſight, and ſtudied to heal the Breaches, and followed more moderate Counſels, were hated on both ſides; for in all times the Moderate Party is the weakeſt, and has moſt obloquie caſt on it from all hands.

I alſo thought that I could not do a greater Service to my Country, than to enquire into the whole Courſe of the late Civil Wars. And I knew there were none ſo eminently Employed as the two Dukes of Hamilton, *the one having been the Kings* High-Commiſſioner *in the beginning of them, and the other the* Secretary of State *in the ſequel of them: therefore it was certain, that if their Papers had not been deſtroyed in the common fate of* Scotland, *I could not find a clearer thread to direct me than from them.*

I ſhall not deny that I had many pre-engagements on me to have a high value of that Family, both from the Great Worth of thoſe who now repreſent it, and from the Unblemiſhed Fidelity their Anceſtours have always payed the Crown, and their conſtant Affection to their Country; ſo that ſince the firſt Greatneſs of it in King James *the third his days, who gave his Siſter in Marriage to the Lord* Hamilton, *they were never in any Rebellion againſt their King, nor did they ever abuſe their Prince's Favour to be a Grievance to their Country.*

And though they ſtood next the Crown for fifty years together, from the year 1543, *that King* James *the fifth died, till the year* 1593 *that Prince* Henry *was born, during all which time there was none but Queen* Mary *and King* James *of the Royal Blood: yet all that while their Deportment ſhewed, that they had no other deſign but to ſerve thoſe Princes with all poſſible Fidelity and Zeal. And though* Scotland *was then much diſtracted with Inteſtine Broyls and Diſorders, yet they never ſet themſelves at the head of any Faction, nor departed from the Intereſts of the Crown.*

When King James *the fifth died, he left his only Daughter Queen* Mary *but a few days old, and the Government of* Scotland *fell by Right to the Earl of* Arran, *being her neareſt Kinſman; and if ſuch an Ambition, as the Enemies of that Family have pretended was hereditary to it, had been lodged in him, he would never have let ſuch an Opportunity of raiſing himſelf ſlip out of his hands. But he was a Perſon of great Juſtice and Candour, and ſet nothing before his eyes but the Publick Good: ſo that Archbiſhop* Spotſwood *tells of him in his Hiſtory,* that in his Court there was nothing ſeen that the ſevereſt eye could cenſure or reprove. In the Publick Government

ſuch

ſuch a Moderation was kept, as no man was heard to complain: the Governour was reverently obeyed, and held in as great reſpect as any King's of preceding Times. *It is true, he was of too eaſie a nature, and his baſe Brother, who was afterwards Archbiſhop of St.* Andrews, *had great power over him, which did much prejudice his Reputation.*

In the diſpoſing of the Queen in Marriage, he had much to have ſaid for himſelf, if he had married Her to his own Son, who was but a few years older than the Queen: but he ſhewed, he deſigned Her Greatneſs more than his own, and perhaps more than the true Intereſt of his Country, for I am far from thinking that he carried himſelf wiſely in that, when he conſented to ſend Her to the Dolphin of France, *afterwards* Francis *the ſecond: in acknowledgment of which, he was made Duke of* Caſtle-herald *(or as it is pronounced by the* French, Chaſtle-herault) *by the* French *King.*

After the Death of Francis *the ſecond, when Queen* Mary *returned into* Scotland, *the Duke of* Caſtle-herald *had again great advantages, if any ſuch deſire of Power had governed him: for the Reformation had then prevailed in* Scotland, *and he and all his Family, except his youngeſt Son, Lord* Claud *(from whom deſcended the Earls of* Abercorn*) were Proteſtants; ſo that to have put himſelf at the head of that, was the likelieſt way to have advanced his own Deſigns: but it appeared that he and his Sons embraced the Religion, not for Faction but out of Conſcience, for he continued true and faithful to the Queen to the laſt; of which She was ſo ſenſible, that (beſide many Publick Teſtimonies of Her confidence in them, ſuch as the naming the Duke of* Caſtle-herald *her* Adopted Father, *and calling him ſtill by that Name, and the referring Her whole Concerns, when She was a Priſoner in* England, *to his Care) when that ſevere and unparalelled ſentence of Death was to be executed on Her, She took a Ring off Her finger, and gave it to one of Her Servants, and ordered him to carry it to Her Couſin, Lord* John Hamilton, *who then repreſented his Father that was dead, (his elder Brother being ſick of a Frenzy) and tell him, that that was all She then had to witneſs her great ſenſe of his and his Families conſtant Fidelity to Her, and of their ſuffering for Her Intereſts; and deſired that it might be ſtill kept in the Family, as a laſting Evidence of Her kindneſs to it, which is preſerved to this day.*

Nor was their Duty to the Crown at that time eaſie or cheap to them, for the contrary Faction deſigned to root them out of Scotland; *and therefore in one of their Mock-Parliaments their Blood was attainted, and their Eſtates and Honours were afterwards given to other Perſons, and they were forced to ſeek ſhelter in* England *and* France, *till King* James *came to Govern by his own Counſels; & then being alſo preſſed to it by the Interceſſion of Queen* Elizabeth, *He reſtored them to their Honours and Eſtates, and created Lord* John Hamilton *Marquis of* Hamilton, *who was Grand-Father to the two Dukes, whoſe MEMOIRES I now publiſh. King* James *did alſo treat him with the ſame reſpect that the Queen, his Mother, had done the Duke of* Caſtle-herald, *and called him always* Father; *and wrote to him often with the greateſt Freedom and Familiarity that was poſſible: and when that King went to* Denmark *to bring home His Queen, He named him Lord Lieutenant of the South of* Scotland, *and left for him a Letter (yet extant) full of great Eſteem and Kindneſs, to which He added this Poſtſcript with his own Hand.*

MY LORD, if my conſtant Truſt had not been in you of your great Love towards me, I had not thus employed you upon ſuch an occaſion; therefore I aſſure my ſelf you will not fruſtrate my Expectation.

He alſo called him to Chriſten one of his Children, and continued to the laſt to put great Confidence in him. That Lord did indeed deſerve to be ſo uſed by him, for as he had with an invincible Patience and Loyalty ſubmitted to the hard Uſage he met with during that King's Childhood, and for ſome years after; ſo he made no Stirs nor Diſturbance, but that little that was at Sterlin, An. 1585. *ſo that when he was admitted to the King's preſence, the King ſaid to him,* "*My Lord, I did never ſee you before, and muſt confeſs,* "*that of all this Company you have been moſt wronged; you were a faithful* "*Servant to the Queen my Mother in my Minority, and when I underſtood* "*not, as I do, the eſtate of things, hardly uſed. And though he was frequently invited by the Violent Church-party to head them in their Mutinous Courſes, yet he would never engage in it. And when that old Lord was dying, as he was giving his Bleſſing to his Son, and reckoning up the moſt ſignal Favours of God to him, he named three more particularly.* "*The firſt was, That du-*"*ring all his Troubles, and notwithſtanding the great Offers were made him in* "France *by the Houſe of* Guiſe, *if he would change his Religion; yet God had* "*never left him to do ſo baſe a thing, though he loſt his Intereſt in that Court* "*by refuſing it. The other was, that he had never oppreſſed any of his Vaſ-*"*ſals and Tenants. And the third was, that he had never entertained one* "*thought contrary to the Duty he owed the Crown, and that no hard Uſage he* "*met with had ever prevailed on him to any ſuch Deſign, and therefore char-*"*ged his Son on his Bleſſing to continue in the ſame Courſes.*

All this I thought needful to be ſaid for the Honour of that Family, becauſe Buchanan *ſtudied with much Art and Induſtry to caſt an eternal Diſgrace upon it. For as he from being a great Flatterer of* Mary *Queen of* Scotland (*which may be ſeen in his Dedication of his Incomparable Paraphraſe of the* Pſalmes *to Her*) *became Her mortal Enemy, and partly by Lies, partly by his cruel aggravating of ſome unjuſtifiable things, has written the Hiſtory of Her Reign with ſo much Malice, that his Work ſtands condemned as a baſe Libel, by an Act of Parliament in* Scotland: *ſo being provoked by an Injury which a Servant of the Duke of* Caſtle-herald's *youngeſt Son did him, of which he thought he got not ſufficient Reparation, and carrying a ſpite to them becauſe they adhered to the Queen's Intereſts, he wrote of that Family with the moſt impudent and virulent Malice that was poſſible. And his admirable ſtile of Latine, in which he is inferiour to none that wrote ſince the days of* Auguſtus, *has made all Forreigners take their Informations wholly from him; and the Collectors of the General Hiſtory of that Age, do for the moſt part draw all the Account they give of* Scotiſh *Affairs out of him; by which that Family hath ſuffered much in the opinions of Forreign Nations: ſo dangerous it is to provoke one that has much Malice, and can write a Hiſtory ſo, that it ſhall take with the World.*

But that Writer contradicts himſelf ſo often in what he ſays of that Family, that ſmall regard is to be had to it. And Leſly *Biſhop of* Roſs, *Privy-Counſellour to* Mary *Queen of* Scotland, *who wrote the Hiſtory of that time, and bore no great good will to the Duke of* Caſtle-herald *and his Children, for being ſuch Promoters of the Reformation, ſpeaks always of them with a great deal of Honour and Juſtice.*

For the Father of thoſe Dukes, he was, as Archbiſhop Spotſwood *truly calls him,* a Nobleman of rare gifts, and fitted for the greateſt Affairs, *and was moſt Univerſally beloved by all his Countrymen: he was a very Graceful and Gallant Perſon, and of a moſt agreeable Converſation, and very obliging, and ſo did recommend himſelf to all ſorts of Perſons. King*

James

James *finding him excellently qualified, brought him to Court, where he made a great Figure the reſt of his Life.*

All theſe things concurred to make me very deſirous to ſee whether the late Dukes had continued in thoſe ſteps their Progenitors went in, or had departed from them; therefore I told the Duke and Dutcheſs of Hamilton *that now are, that if I might have the favour and truſt of peruſing ſuch Papers as remained in their hands, I ſhould do my endeavours to make the beſt uſe of them I could, upon which they were pleaſed to ſend them all to me. The Collection was great, and in as great diſorder; yet by a little care I brought them into ſome Order, and found I had very authentical and full Materials for a greater Work than I had at firſt deſigned: but having read many ſcandalous Pamphlets, that had charged theſe Dukes in divers particulars with an equal degree of Injuſtice and Malice, I found it neceſſary to enquire, as far as their Papers could carry me, into the Truth of theſe Reports, which forced me to be more particular than had been otherwiſe needful. And yet I hope the Reader ſhall have no great cauſe to complain of my tediouſneſs, but that he ſhall find an Entertainment through the whole Work that ſhall not be unpleaſant to him.*

I have opened the Intrigues and Counſels of thoſe Times as clearly as I could. This, ſome that peruſed the Work have cenſured much, as a diſcloſing the Secrets of Government; and becauſe in ſome places errours of Government are neither concealed nor palliated, ſome adviſed me to paſs theſe over, and not inſiſt on them: but with this I could by no means comply, for I know no good that Hiſtory does the World ſo much as the making Poſterity the wiſer, both by ſhewing the Faults of Miniſters that raiſed the Diſcontents, and the Follies and Madneſs of thoſe who put all in confuſion to get Grievances redreſſed. For the Jealouſies that were conceived, either from the ill opinion of Miniſters, or the conſciouſneſs of their own Guilt, made the Fomenters of thoſe Troubles think, that neither Conceſſions nor Pardons were a ſufficient Security, but that aſſoon as the Country and Government was ſettled, what they had done would be remembred and puniſhed, and did drive the Faction much further than it ſeems they intended at firſt.

All this I wrote with the more Aſſurance, after I had preſumed to tell His Majeſty, that ſince I was writing of the late Times, I found it neceſſary to ſet down ſome Errours, that were committed even by ſome of the Miniſters of the King, his Bleſſed Father, and I could give no true account of matters if theſe were not likewiſe related: upon which His Majeſty moſt graciouſly told me, That ſuch things were unavoidable in a Hiſtory; *and therefore He allowed me* to tell the Truth freely.

Upon ſo gracious a Permiſſion, I was the more emboldened to lay open things clearly, and to trace the Troubles of Scotland *to their firſt Beginnings. It is true, there were ſome things that had much influence on Peoples Minds, of which I have given no Account, having found no Papers in this Collection to direct me in them: and theſe were the whole Progreſs of the Deſign for the Reſumption of the Tithes into the Crown, and the reſtoring them to the Church, with all the ſteps that were made in it; which was ſo nice a point, and had ſo much of the ſubtilties of Law in it, that I did not think fit to meddle with it, eſpecially it not lying before me in theſe Papers, nor having any Relation to the Concerns of theſe two Brothers. The other was the Proceeding in Parliament* Anno 1633, *when His late Majeſty was Crowned, with the Petition that was afterwards drawn, for which the Lord* Balmerino *was tried, and found Guilty, and had Sentence of Death paſſed on him. Then*

did

did the Party begin to be more united, and ſecret Engagements were given either to reſcue him by Force, or to revenge his Death, upon which the Earl of Traquair *procured a Pardon for him; but from that time the date of the Confederacy of that Party is to be reckoned, and though it lay quiet for ſome years, yet it was ſtill fermenting, which made it burſt forth upon the* Criſis *that afterwards appeared. They were alſo much encouraged to all that followed, by the Informations they had of the Malecontents in* England; *for a Gentleman of Quality of the* Engliſh *Nation, who was afterwards a great Parliament-man, went, and lived ſometime in* Scotland *before the Troubles broke out, and repreſented to the men that had then greateſt Intereſt there, that the buſineſs of the Ship-mony and the* Habeas Corpus, *with divers other things, of which there was much noiſe made afterwards, had ſo irritated the greateſt part of the* Engliſh *Nation, that if they made ſure work at home, they needed fear nothing from* England. *And of this the Duke of* Hamilton, *who had lived ſo many years in* England, *could not be ignorant: for ſo great a diſeaſe in the Body Politick, as a Civil War, does not break out on a ſudden, but there go before it many Symptomes, which are well diſcerned by men of Judgment and Fore-ſight; the matter muſt be brought to the nature of Tinder or Gun-powder, before a Spark can ſet it on Fire. And it was the Proſpect he had of what was like to follow in* England *if once a War begun, that made him employ all his Endeavours to carry the King to as full Conceſſions as he could poſſibly obtain. This, to ſuch as do not reflect on the State of* England *at that time, may perhaps appear mean, or Malice may give it a worſe Character. But as no ſort of provocation will juſtifie any man, though of the cleareſt Courage, that will go and fight with a Sword looſe in the hilt, but he muſt be concluded raſh and inconſiderate; ſo the Duke knowing the disjoynted condition of* England, *and apprehending that by all appearance the War would be unſucceſsful, and that the Demands of the Faction would then grow higher, did as became a Wiſe and Faithful Miniſter, in trying all the ways he could think of to ſettle Matters before there ſhould be any Breach; ſince the keeping the Kingdom in quiet, though upon terms which had been hard to the King, and derogatory to His Authority, was much to be preferred to a War that was like to prove fatal to the King and Kingdoms.*

For all that while the Affection of the Engliſh *to the Party in* Scotland *did diſcover it ſelf in many high Expreſſions, which others could not but ſee, and the King ſadly, but too late, felt afterwards; for Princes moſt commonly ſee ſuch things laſt of all their People, their pretending Flatterers, who are in truth their greateſt Enemies, keeping up ſuch Advertiſements from them as long as can be, as if one out of fear to awaken his Maſter, ſhould let him ſleep when his Houſe is on fire, till it were ſcarce poſſible for him either to quench, or eſcape the Flames. All theſe things concurred to ſet on the hot Zealots, to begin the Troubles that ended ſo tragically in the Murder of the King, and Slavery of the Nations.*

And therefore nothing ſeems more needful in our preſent circumſtances, than to repreſent thoſe things truly, That Miniſters on the one hand, conſidering the ill effects that followed on a ſtretched Prerogative, and the People on the other hand apprehending the diſmal conſequences of Tumults, Jealouſies, and Civil War, there may be ſuch an Univerſal Harmony between the King and his Subjects, as may rejoyce all good men, and diſappoint and confound all the Enemies of our Peace and Happineſs.

But all thoſe things not being yet ſo fully clear to me, and not lying in the Papers that were in my hands, I have given no account of them in

this

this Work, which I confined to the Negotiations of those two Brothers, whose Papers I perused. Nor have I written any thing of the Affairs of England, *further than was necessary by their Relation to, and Intermixture with those of* Scotland: *and though there are very considerable Papers in that Collection, that were sent to* Scotland, *both from the Committee of both Kingdoms, and from some Eminent men of both Houses; yet there is not a continued thread in them, and therefore I have published none of them. Nor have I drawn down my Relation farther than* Worcester-*Fight, where the younger of these Brothers lost his Life: for though I have been much pressed to write a full History of* Scotland *from K.* James *his Death, where the most Reverend Dr.* Spotiswood *ended his so much, and so justly valued History, and to bring it down to the present Time; yet I will see how the World is satisfied with what I now publish, before I give my self and others more trouble of this sort.*

At first I wrote this Work Historically, and only drew the most material heads and passages out of the Papers that lay before me: but that Noble and Judicious Gentleman, Sir Robert Murray, *to whose Memory I owe the most Grateful Acknowledgments that can be payed by a Person infinitely obliged to him, and that did highly value his extraordinary Parts, and rare Virtues, gave me such reasons to change the whole Work, and to insert most of the Papers at their full length, that prevailed on me to do it; and when it was written over again, as I now offer it to the World, he was so much pleased with it, that though I know the setting down his words would add a great value to it among all that knew him, yet they are so high in the Commendation of it, that I cannot but conceal them. Some have wondered to find fewer of the Duke's Letters here than of other Persons; but the truth is, these are so full, and so particular, in the Advices and Advertisements he wrote to the King, that it was by no means thought fit to publish too many of them, though the Originals of them are yet extant, being written on the back by the King's hand.*

The Vouchers of this whole Work lie at Hamilton, *where Curious Persons may both be satisfied about the truth of what is now published, and about many other very important things, from which I drew these* MEMOIRES: *only in a few particulars, for supplying some defects, I was forced to seek Informations from Persons of great Honour and Worth.*

My writing from such Vouchers was the cause, that sometimes the angry Language I found in Letters did slip into my pen. I know there is nothing that does more misbecome an Historian than to mix Passion with the Account he gives; and so I studied to cleanse this Work from it all I could, and read it over once or twice to throw out all those angry words which I had mixed in it carelesly, having among other things Copied them from the Letters that were in my hands. But upon a further Review, I find that some of these Reflections do still remain, for which I am very sorry; but I can assure the Reader, I had no design to leave needless Imputations on any Persons, for I took great care to write with all possible Respect and Caution, even of those who were the greatest Enemies that both these Dukes had: and those that know the present circumstances of that Family, and of the Writer himself, will find that no Resentments for any hard Usage they have met with, has biassed him from what becomes an honest Man, and a faithful Historian.

I thought it unworthy of my pains to set down and confute those base and malicious Calumnies, which fill many Books that pass for the Histories of the late Times. The Truth of this Work is a fuller Confutation than any other could

be.

be. Theſe Writings indeed made me examine all the Duke's Papers more carefully, particularly the Copies of their Letters to their neareſt and moſt aſſured Friends, with the Letters they received from them: moſt of theſe were written in Cypher, and the decyphering of them was no ſmall trouble; yet I reſolved to ſpare no pains that might give me a full ſatisfaction about their moſt ſecret Correſpondencies. But after all that ſearch, I was ſtill more and more confirmed of the great Integrity of their Profeſſions, and of their conſtant Fidelity to the Crown.

I publiſh theſe MEMOIRES *with the more confidence, becauſe they having been ſeen and peruſed by divers of the moſt Conſiderable and moſt Intelligent Perſons of both Kingdoms, either they went very far with their Civility and Complement, or were well ſatisfied with them.*

I ſhall enlarge this Preface no further, but deſire that all the faults in the Style, or way of Writing, may be charged only on my ſelf, and may leave no Imputation on thoſe Worthy Perſons whoſe Actions I relate, nor on thoſe who now repreſent them, ſince they deſerved a far better Pen to be employed in writing their Hiſtory. All that is good in this Work is only from them, and all that is evil in it muſt fall entirely to my ſhare, and I alone muſt bear it. They have ſuffered too much already from the Malice of their Enemies, it will therefore be very unjuſt to make them ſuffer more for the Indiſcretion or Weakneſs of an ill Writer. I ſhall not ſtand longer on laboured and formal Apologies, which are more uſed to ſhew the Wit of the Writer, in making them gracefully, than from any humble opinion they have of their own Performances who make them. If I have not done this to the beſt advantage, it is becauſe I could do it no better; for the Importance of theſe Tranſactions, the Merit of the Perſons, and the great Honour I pay the Family, and the Duke and Dutcheſs of Hamilton *that now are, made me judge it very well worth all the Application and Induſtry I could beſtow upon it.*

ER-

ERRATA.

THough a great deal of care was uſed to reviſe the ſheets, yet the following *Errata* muſt be corrected: Literal Faults, and ſome errours in the punctation are not marked, which it is ſuppoſed the Reader will eaſily perceive.

Page 11. Line 30. *for* Titles, *read* Tithes. p. 11. l. 44. *for Cleazar*, *r. Eleazar*. p. 13. l. 1. *for* ſeeming, *r.* ſeemed. p. 40. l. 28. *for* at, *r.* as. p. 55. l. 16. *after* This *add* I. p. 120. l. 7. *after* all *r.* he. p. 130. l. 37. require, *r.* required. p. 145. l. 7. *dele* will *after* it, and *r.* will *after* Aſſembly. p. 161. l. 18. *for Mirtland*, *r. Maitland*. p. 178. l. ult. *for Cumbermwald*, *Cumbernald*. p. 219. l. 22. *after Hamilton r. William* Earl of *Morton*. p. 225. l. 11. refore *r.* therefore. p. 240. l. 6. *after* by *for* that *r.* theſe. p. 242. l. 22. *after* at *r.* that. p. 279. l. 2. emitted *r.* remitted. p. 283. l. 26. berid *r.* be rid. p. 284. l. 23. *for* ſtop *r.* ſtep. p. 334. l. 9. met *r.* meet. p. 342. l. 17. did we *r.* we did. p. 368. l. 5. which upon *r.* upon which. p. 384. l. 23. *after* guards *r.* that. p. 387. l. 51. apart *r.* a part. p. 388. l. 12. *after* were *r.* clear. p. 408. l. 30. *after* deſpiſe *dele* at. p. 423. l. 2. *after* though *r.* the. *ibid.* l. 4. *after* vertue *r.* he. p. 427. l. 8. *for* greater *r.* regrate. p. 428. l. 26. wrack *r.* rack. *ibid.* l. 50. *after* heavy *r.* on. p. 429. l. 44. Death *r.* die. p. 431. l. 26. *after* about *for* him *r.* himſelf.

The Contents of the Seven Books.

Lib. I.

Of what happened from his Father's Death, till the Year 1638.

Lib. II.

Of what paſſed when he was the King's Commiſſioner in Scotland, *in the Years* 1638, *and* 1639.

Lib. III.

Of what paſſed after he laid down his Commiſſion, till July 1642.

Lib. IV.

Of the Duke's, and his Brother, the Earl of Lanerick's *Negotiation in* Scotland, *till their Impriſonment.*

Lib. V.

Of the Duke's and his Brother's Imployments after his Enlargement till the Year 1648.

Lib. VI.

Of the Duke's Engagement for the King's Preſervation, and what followed till his Death.

Lib. VII.

A Continuation of Affairs till Worceſter-*Fight.*

THE

MEMOIRES

OF THE

LIFE and ACTIONS

OF

James Duke of Hamilton, &c.

LIB. I.

Of what happened from his Fathers Death till the Year 1638.

JAMES Marquis of *Hamilton* died at *London* in *March*, 1625. and was ſucceeded in his Honour and Fortune by his Eldeſt Son and Heir *James*, afterwards created Duke of *Hamilton*, whom his Father had brought with him to *England* ſome years before, and was then in the Eighteenth year of his Age, and ſent to proſecute his Studies at *Oxford*; from whence he was called to ſee his Father die, and came in time to receive his laſt advices and bleſſings. Thus died that Great and Illuſtrious Perſon in the flower and vigour of his Age, being then but 36 years old.

An. 1625. The Marquis ſucceeded his Father.

His Fathers Character.

He was in great Eſteem in both Kingdomes, equally dear to the Soveraign and the Subjects; and it was certain no perſon could have diſputed with him the Kings Affection and Confidence, the Duke of *Buckingham* onely excepted. His ſerving as Commiſſioner for the King in the Parliament 1621. had much leſſened his Intereſt in *Scotland*; for theſe five Articles of *Perth*, (where the Aſſembly of the Church that ſettled them was held) commonly called the *Five Articles*, were generally ſo odious, that his carrying the Settlement of theſe in Parliament drew much diſlike from all that Party, which was then called *Puritan*: but his carriage in that Parliament, gained him as much truſt and favour with the King as ever man had. The King created him Earl of *Cambridge*, a Title that was never conferred on any, but ſuch as

An. 1625. were of the Royal Blood; he made him alſo Knight of the Garter, and Lord-Steward of the Houſhold. King *James* was likewiſe glad to ſee his Friendſhip for my Lord Marquis and his Family like to prove Hereditary, by the kindneſs he ſaw growing up with the Prince for his Son; in whoſe youth there was an agreeable Sweetneſs, which gained an early room in the Princes Affections, and took ſo deep rooting there, that nothing was ever able to deface it: and as he had the Honour to be the Princes neareſt Kinſman by the Royal Blood of *Scotland*, ſo he ſpent ſeveral of his younger and more innocent years in his company; and when the Prince was in *Spain*, he made one of that honourable Train that went to wait on his Highneſs.

But ſince the following Narration is to be filled with great and conſiderable Tranſactions, wherein this Marquis was ſo eminently engaged, I ſhall diſmiſs ſuch Particulars as were of leſs concernment, and therefore at one ſtep ſhall leap over the whole tract of his Youth; neither ſhall I interrupt my Narration of Publick Matters with Accounts of his Perſonal and Domeſtick Affairs, which ſhall be referred to one place, in which, as I give his Character, ſuch of thoſe as are fit to be made publick ſhall be mentioned: neither will I here offer any further Account of his Father, but what ſhall be the matter of the whole following Hiſtory, which is, that he was the Father of two ſuch excellent Sons.

King *James* his Death.

King *James* as he received the tidings of his Death with much grief, ſo he Prophetically apprehended, that as the Branches were now cut down the Root would quickly follow; for the Duke of *Richmond* died about the ſame time likewiſe. This Marquis his Death was followed with an univerſal regrate, and I find divers of the Engliſh Nobility, in their Letters to his Son, expreſſing their Affection and Eſteem for the Father, in terms beyond the cajolery of Civility or Complement. The loſs of ſo great and ſuch a tenderly affectionate Father, meeting the ſweet Diſpoſition and dutiful Love of the Son, could not but prove very afflicting to him: but this private Grief was followed by a publick Calamity, brought upon theſe Kingdoms by the Death of King *James*, on whoſe Character I ſhall not adventure, ſince it is without the lines of my Work.

The Marquis leaves the Court.

The Marquis ſent down his Fathers Corps to *Scotland*, where it was nobly interred in the Burial-Place of that Family; but could not follow it himſelf, being obliged to wait and aſſiſt at the Coronation of King *Charles* the firſt, which ſhortly followed, where he carried the Sword of State before the King; and he found the Crown had rather heightned than leſſened the new Kings Affection for him. But within a little he reſolved to return to *Scotland*, to look to his own Affairs, which were in great diſorder by his Fathers magnificent Nobleneſs, who notwithſtanding his being Lord Steward, and the benefit of other Places he enjoyed, had far outrun himſelf at Court. But indeed his Son had too much of his own Temper, and was too Generous to be very Frugal. During his abſence from Court, his Majeſties Affection for him appeared not only in his ready granting of every thing was moved for his advantage, but in the kind Letters which upon different occaſions he wrote to him with his own Hand, (not to mention the many publick ones he got upon all occaſions.) In one of them the King writes:

James,

An. 1627.

James,

THE reaſon why your Buſineſs is not yet ſettled, is, that this long time I have attended the coming of him, your ſelf thought fitteſt to be truſted in it, he is now on the way; and ſhall no ſooner be arrived but the direction ſhall be given, as I have already promiſed you. I doubt not but your want forced you to leave me, but mine ſhall not hinder me to help yours; and I am ſure likewiſe, that as you ſee I do not forget your Turns, you will at this occaſion of the late Commiſſion I have ſent down, ſhew your ſelf forward in mine. So farewel. The King writes to him,

New-Market,
4. March, 1627.

Your conſtant loving Friend,

CHARLES R.

In another he writes:

James,

HAving (as I hope) diſpatched your Buſineſs, I muſt tell you, it was ill luck and not ill will that made it ſo long a-doing, and likewiſe of the importunity of a Houſe of Women for calling you hither: but it may be the company of ſome where you are, will make you give a negligent Ear to thoſe that are here; yet I doubt not but when you know (as theſe lines do aſſure you) that you cannot come before you ſhall be welcome to your beſt Friends here, that your ſtay will not be long where you are. So referring you for other buſineſs to the Bearer your man, I reſt, and invites him to Court:

The firſt day of
the Year, 1628.

Your loving conſtant Friend,

CHARLES R.

But the Marquis excuſed himſelf upon the great Encumbrances were on his fortune, which made it impoſſible for him to live at Court in the rank that became his quality; he ſeemed alſo at that time to be in love with a retired life, and ſpent much of his time in the Iſle of *Arran*. It cannot be denied to be without example, to ſee a King entreating his Subject to accept of the Favours and Honours he deſigned for him, when he was with much humble modeſty declining theſe Royal Offers. But as the King preſſed his return to Court very earneſtly, he was likewiſe ſolicited to it by a great many of chief rank there, and by none more warmly than by the Duke of *Buckingham*, with the greateſt and heartieſt offers of all the friendſhip and ſervice he could do him: yet he continued in *Scotland* till the end of the year 1628. and all the while kept himſelf at a diſtance from publick Affairs, not But he prefers a Country retir'd life to the Court.

An. 1628. medling in any thing beyond his private concernment; but his ſweet and obliging temper took exceedingly with all people.

Earl *Denbigh* comes for him:

In the end of the year 1628. his Father-in-law Earl *Denbigh* came down to preſs his return to Court, with a new and kind invitation from the King, expreſſed in the following Letter.

Hamilton,

I Have taken this occaſion by Denbigh's *going to affirm to you, under my own hand, the Meſſage* Traquair *brought to you from me. I need ſay little more at this time, becauſe according to your Letter I look that you ſhould be quickly here, which again I aſſure you will be well done. So referring you to your Father* Denbigh, *I reſt,*

Hampton-Court
25 Sept. 1628.

Your aſſured conſtant Friend,

CHARLES R.

He goes to Court, and is made Maſter of the Horſe.

The Earl of *Denbigh* brought alſo with him from his Majeſty the offer of the Maſter of the Horſe his place, which was fallen by the murther of the Duke of *Buckingham*. This earneſt and noble Meſſage, brought and enforced by ſuch a Bearer, could be no longer refuſed; therefore in the end of the year he went to Court, where he was preſently made Maſter of the Horſe, and Gentleman of the Kings Bed-chamber, and Privy Counſellour in both Kingdomes: and the King uſed him with ſo much tender kindneſs, that his carriage to him ſpoke more of the affection of a Friend than of the power of a Maſter; he called him always *James*, both when he ſpoke to him and of him, as an expreſſion of his familiarity with him; and it was preſently obſerved by all, that none had more of the Kings heart than he poſſeſſed. But as high favour with a Prince is ever attended with envy and jealouſie; ſo he miſſed not his ſhare of it, from thoſe who were looking on him as the riſing Favourite; though as he bore that Character worthily, he managed it prudently, for he neither ſtudied to engroſs things to himſelf nor his kindred: he grew not inſolent upon favour, nor impatient of Competitours; neither did he obtrude himſelf upon the management of particular Affairs, but did reſt ſatisfied with the Royal marks of his Maſters favour, which upon all occaſions were poured on him liberally.

His uſage at Court,

and behaviour there.

The great Deſign which at this time poſſeſt the King wholly, was about the affairs of *Germany*, and the recovery of the *Palatinat*, with the reſcue of his Siſter and her Poſterity, from the ruine which was not only hanging over them, but had already overwhelmed them.

The Affairs of *Germany*.

I need not here reſume the too-well-known occaſions of theſe Troubles, nor tell how the Wars of *Boheme* firſt began, nor how the Prince Elector *Palatine* being choſen their King, did by accepting that Crown involve himſelf and all *Germany* in a tract of the moſt laſting and bloody Wars that have been heard of. The new-elected King was ſcarce well-ſettled on his Throne, when it was not only

ſhaken

ſhaken but overturned; and the Emperour, with the aſſiſtance of *Spain* and the Duke of *Bavaria*, who was thirſting after his Couſins Dignities and Dominions, was not content with the recovery of his own Dominions, but carried his conquering Eagles into the *Palatinat*; which not being able to reſiſt ſo powerful an Invaſion, was forced under his obedience, and the Electoral Dignity was by the Emperour afterwards tranſlated to the Duke of *Bavaria*. King *James* was very much diſpleaſed with his Son-in-law for engaging in the affair of *Boheme*, but could not be unconcerned when he ſaw the ruine of his Family following upon it; yet his inclinations to Peace overruled his other reſentments, and his hopes to prevail by Treaties made him ſtill delay entring into Action; for at that time the Treaty of the match with *Spain* was on foot, and the King was abuſed by the *Spaniards*, and made believe the *Palatinat* ſhould be again reſtored: but his ſlowneſs in that miſſed not the ſevere cenſures of all *Europe*. *An.* 1629.

King *James* left his Crowns and Deſigns to his Son, who judged himſelf bound by all Ties divine and humane, to ſee to the recovery of the *Palatinat*, and the ſtopping of the Imperial ſucceſs, which by a great Torrent of victories was become formidable, and burthenſome to all the Princes of *Germany*; yet the oppoſition the King met in ſome Parliaments, which were diſſolved ſoon after their meeting made his Deſigns go on ſlowly. But to ravel no further into matters without the lines of this Narration,

The Queen of *Bohemia* recommends the care of her Affairs to the Marquis.

The Marquis was no ſooner at Court, but the Queen of *Bohemia* recommended the care of her Affairs to him, as the perſon (being her neareſt kinſman and beſt known to her) in whom of all that were about her Brother ſhe confided moſt; and as during the King her Fathers life ſhe had employed none ſo much as his Father, ſo ſhe did entail that truſt upon the Son: and indeed in all her Letters to him (hundreds of which remain) ſhe continued ſuch expreſſions of genuine and frank kindneſs, as ſhew, ſhe never thought ſhe had miſplaced her truſt.

The King of *Sweden* invites the King to his aſſiſtance.

At this time the King of *Sweden* being provoked with a deſire of glory, and led on by the aſpirings of a great and generous mind, reſolved to adventure on that which had been fatal to all who had attempted it, and to oppoſe the Emperours deſigns, declaring, his reſolutions were to deliver *Germany* from the yoke of Tyranny, which was beginning to be twiſted about their Necks; but fearing his own ſtrength was not able to compaſs ſo great a deſign, much of his confidence was grounded on the aſſiſtance he expected from the King. Therefore as by his own Ambaſſadour the Lord *Spence* he ſolicited his aid, ſo he employed the King of *Bohemia* to interpoſe with his Majeſty for his aſſiſtance in the proſecution of that great Affair; who preſſed it with much earneſtneſs by his Agent *Curtius*, repreſenting, that now or never was the time that it ſhould appear to the World, what effects he might look for from his Alliance: and the King was reſolved in good earneſt to advance that deſign, but judged it not fit for himſelf to own it in his own name at firſt, for ſome reaſons of State; a chief one being, that his Ambaſſadour in *Germany*, Sir *Robert Anſtrother*, was entertained at that time with ſome hopes of the reſtauration of the *Palatinat*, though that was judged to be without any other intentions, but to cajole the King, and ſo keep him from concurring

An. 1629. curring in the *Swediſh* deſigns. His Majeſty finding it not convenient to appear in it himſelf, reſolved it ſhould paſs for the voluntary aſſiſtance of his Subjects, to which he ſhould only give way, and made choice of the Marquis for the perſon in whom he had the greateſt confidence of his zealous purſuing his deſigns upon the *Palatinat.* Whether this motion came originally from the King or not, I do not ſee, or if it was the deſire of the King or Queen of *Bohemia*, which ſeems more probable; for the *Swediſh* Ambaſſadour did firſt move it, and preſſed it with much earneſtneſs: others ſuggeſt that it came from ſome of the Marquis his enemies, who envying and ſuſpecting his riſing greatneſs, and ſeeing no poſſibility of leſſening his intereſt in the Kings affection that was daily growing, judged this honourable Propoſition would once ſet him a good way from the Court. There was too much of honour in this Propoſition to be rejected by the Marquis, and his age being at that time proneſt to a thirſt of glory, he could not but be hearty in the undertaking, though the ruine of all, who had hitherto imbarked in that Deſign, gave but ſmall encouragement to any who ſhould engage in it; yet the great renown of the *Swediſh* King, together with the fears into which all the Princes of *Germany* were now driven, which rendred them almoſt deſperate, made the Attempt look more promiſing than formerly: but the Marquis his duty to his Maſter, and his affection to all his intereſts, chiefly thoſe of his only Siſter, made him with alacrity accept that Employment. One thing was certain, that which way ſoever the firſt Propoſition of this was made, it came not from himſelf; for if the King had known or ſuſpected it to have flow'd from him, it would have appeared afterwards when the Calumnies to be related were under examination, or when the Marquis was a priſoner: but no ſuch thing ever dropt from his Majeſty.

who appoints the Marquis to enter in Treaty with that King.

The Marquis ſends Col. *Hamilton* to treat,

In the end of the year 1629. the Marquis according to the Kings Orders ſent Colonel *Hamilton*, brother to the Earl of *Hadington*, to the King of *Sweden* with a general offer of his ſervice, and his reſolution to come in perſon with a conſiderable force, to joyn with him in his noble enterprize for the Liberty of *Germany*. This had a very kind reception from the King of *Sweden*, for at that time the valour of the *Scots* was ſo great, and that Kings value of them ſo high, that he welcomed the Propoſition with a ſincere heartineſs; and as he wrote a very kind Anſwer to the Marquis, (which with many others of his Letters is yet preſerved;) ſo he ſent him a Commiſſion to be General of what Army he ſhould raiſe for his aſſiſtance.

and after him *David Ramſay.*

Upon this the Marquis ſent one *David Ramſay* a Gentleman of the Privy Chamber, to agree the Conditions upon which he ſhould embark in the *Swediſh* deſign. This *Ramſay* was one in whom he had no intereſt at all, neither can any account be given what he was, ſave that there is a Letter from the King of *Bohemia* in my hands, wherein he recommends him to the King as one who had ſerved him faithfully in *Germany*; he therefore as being acquainted with the *German* language and affairs, and zealous for the King of *Bohemia's* ſervice, was made choice of for this Negotiation: but for the Marquis to have made this man, who could be no longer known to him than ſince he came laſt to Court, a Confident in ſo great and deſperate a reſolution, as was afterwards faſtned on this Employment, it had

had the ſame likelyhood which was in the reſt of the Calumnies where- *An.* 1627.
with his Innocency was attacqued.

Colonel *Hamilton*, who had ſtayed with the King of *Sweden* and Mr. *Ramſay*, agreed with that King on the following Conditions, which I ſet down, faithfully tranſlated from the Original which is in Latine. The Articles of the Treaty yet extant in Latine.

WE Guſtavus Adolphus, *by the Grace of God King of the* Swedes, Goths, *and* Vandals, *Great Prince of* Finland, *Duke of* Eſthone *and* Carel, *and Lord of* Ingria, *&c. To all and ſundry whom it concerns, make it known and certain, That whereas the Illuſtrious and Our ſincerely beloved Lord* James *Marquis of* Hamilton, *Maſter of the Horſe to the moſt Serene King of* Great Britain, *out of his zeal for the publick good, and for acquiring eternal fame, hath reſolved to dedicate himſelf and the fortunes and forces of all he is concerned in, for reſtoring Our oppreſſed Friends in* Germany, *and for that end hath offered to Us by the Illuſtrious and Our ſincerely faithful Colonel,* Alexander Hamilton, *his fidelity and ſervice, and that he will on his own expence gather a ſtrength of ſix thouſand men, and bring them over, as ſoon as may be, to any place We ſhall appoint, either againſt the* Imperialiſts, *or any other of Our Enemies, and maintain them on his own charge, and do Us all faithful and vigorous ſervice with them, till this great Affair be brought to a good iſſue, provided We ſhall authorize this his deſign with Our protection, and give him the underwritten Aſſiſtance; Therefore, there being nothing dearer to Us, than to make all vigorous reſiſtance to the common enemies of Liberty, and having in high eſtimation the brave undertakings of generous men, We not onely would not reject, but have heartily embraced the nobleneſs of ſo good Reſolutions: We have therefore admitted, likeas by the vigour of theſe preſents We admit, the ſaid Lord Marquis into Our ſervice, Armies and Military Counſels, on the following Conditions.* Articles ſigned by the King of *Sweden.*

Firſt, when-ever he ſhall ſignifie to Us, that he is ready to bring over his Forces, We ſhall aſſign him a place for his landing, either to come and joyn with Our Armies, or to make an impreſſion elſewhere, as We ſhall think fit.

Next, if We appoint him to land in any place from whence he ſhall not come ſtreight to Us, We ſhall for ſtrengthening his Forces, ſend to the place We ſhall aſſign for his landing four thouſand Foot out of Our Armies, whom We ſhall furniſh with all neceſſaries, and maintain on Our charges a whole year.

Thirdly, becauſe the ſaid Marquis thinks two thouſand Horſe are neceſſary for his Foot, for whoſe levy and pay he promiſes all aſſiſtance; We ſhall therefore think of all ways and means for raiſing and maintaining theſe.

Fourthly, We not onely give the ſaid Illuſtrious Marquis the abſolute Command of this Army in our abſence, but ſhall alſo joyn to him a Counſellour with whom he may conſult in all things, that ſo his Deliberations be more expedite and clear.

Fifthly, whatever the Illuſtrious Lord Marquis ſhall take from the Enemy, the Lands and Territories ſhall belong to Us, but the Revenues and all the Emoluments ſhall go to him, and to the relief of his Army: yet ſo as theſe Revenues ſhall be gathered decently and in order, without Depredations or Plunderings; ſince Our deſign is not to oppreſs thoſe who have been already enough preſſed, but rather to deliver them from the oppreſſions of others, as much as by the Divine aſſiſtance We can.

Sixthly, that the Marquis may more effectually perform what he hath bravely reſolved, and may ſooner make thoſe warlike Inſtruments of his own inventi-

on,

An. 1630. *on, on which he relies much in his Expedition, We ſhall not onely with the firſt occaſion furniſh him with a hundred Ship-pounds of crude Iron, but ſhall alſo aſſign Hammers for working it according to his deſign; of which Inſtruments he hath promiſed to leave a Model with Us, and We ſhall be careful that none of Our Servants ſhall make uſe of them before he hath firſt made trial of them himſelf.*

Seventhly, We ſhall alſo furniſh him with three hundred and ſeventy Ship-pounds of Iron-ball for his Guns, and two thouſand and five hundred Pikes, and as many Muſquets.

Eighthly, when-ever the Marquis ſhall advertiſe Us of his needing Gunpowder, We ſhall aſſign him Bills of Exchange in Holland *for buying ſeventy two Ship-pounds of Gunpowder.*

Ninthly, if any other Kings or States ſhall concur with Us, all they contribute ſhall be at Our diſpoſal; but if the Marquis his neceſſities require further aſſiſtance, We ſhall not abandon him, but faithfully aſſiſt him, as much as Our Affairs ſhall permit.

Tenthly, for all which the ſaid Illuſtrious Lord Marquis with all his Forces hath promiſed Fidelity to Us, and ſhall be bound to it as well as Our men, and theſe who receive Our Pay, are, for which both he and all his Captains ſhall be particularly engaged.

But becauſe there is to be a Treaty betwixt Our Commiſſioners and the Imperialiſts *at* Dantzick, *therefore if a Peace ſhall be there concluded, ſo that We ſhall not need the Service of the Marquis and his Army, he hath obliged himſelf to pay for the foreſaid Materials at their entire value.*

All which things being thus concluded, and to be firmly obſerved by Us, We have ſubſcribed theſe Articles with Our Hand, and commanded Our Royal Seal to be put to them. At our Caſtle in Stockholm *the laſt of* May, Anno Dom. 1630.

Signed,

Guſtavus Adolphus.

Locus Sigilli.

K. *Charles* 2d. is born, and baptized, the Marquis repreſenting the King of *Bohemia*, who was Godfather.

The Marquis is Knight of the Garter.

Theſe were ſigned by the King of *Sweden* at *Stockholm* the thirtieth of *May*, 1630. which was the day after the Prince of *Wales* his birth, (His Majeſty who now reigns, whom God long preſerve) at whoſe Chriſtening the Marquis had the honour to repreſent the King of *Bohemia*, who was one of his Godfathers, the King of *France* being the other, who was alſo repreſented by the Duke of *Lenox*; and at this time a Stall of the Order becoming vacant, His Majeſty conferred on the Marquis the moſt noble Order of the Garter, that he might go in this Expedition with the more luſtre.

But to theſe Articles I ſhall adde the return was ſent by the Marquis, which, though not done till the next year, yet is moſt properly inſerted here, becauſe of the relation it hath to the foregoing Paper. What follows is a Tranſlation taken from an Authentical Sealed Duplicate of the Original in Latine.

Whereas

An. 1630.

Articles signed by the Marquis.

WHereas there is a mutual Compact agreed betwixt the moſt Serene and Mighty King of Sweden *and me, for joyning of our Forces; that the Articles be fully ratified, and leſt any thing afterwards fall in which may put a ſtop in our Counſels, or give matter for ſiniſtrous Gloſſes, I therefore ſubſcribe for my part all the Articles, adding onely the following Explication to ſome of them.*

To the firſt, if the moſt Serene King aſſign me a place for landing, I vow and promiſe by the grace of God to doe it, betwixt and the day of the next June.

To the ſecond, if the moſt Serene King of Sweden *ſend me the agreed number of Souldiers out of his Own Forces, at the place and time appointed, I underſtand that by furniſhing them with all neceſſaries, a full and entire Pay without any deductions be laid down for a whole year, according to the eſtabliſhment of His Majeſty with his Own Officers.*

Beſides, if the moſt Serene King cannot allow of ſo great a diminution of His Forces, it will be neceſſary that He not only ſettle a Fond, for ſuch a ſumme as may levy, arm, and pay, as many Souldiers, but there will be need of ſome more; for the odds will be vaſtly great betwixt His Majeſty's trained Souldiers, and a ſudden Levy of raw Novices.

To the third, ſince the Article of the Horſe is conceived in general terms, on both ſides, nothing being certainly fixed on either, it will be expedient that Your Sacred Majeſty declare Your mind in it plainly, how far You oblige Your ſelf: and what ſhall be agreed for me, betwixt Your Majeſty and theſe to whom this Affair is truſted by me, I bind my ſelf to ratifie.

To the fifth, ſince the reaſons of my Expedition to Germany *are the ſame with Your Majeſties, I have firmly reſolved to help and relieve the oppreſſed Princes and States of* Germany, *with the eaſe of all theſe burdens with which they are now preſſed, and therefore ſhall do every thing in order, and decently, as becomes moſt friendly Auxiliaries; and if any thing be taken by me from the common Enemy, I ſhall deſire nothing more than that the right of it be entirely and inviolably Your Majeſties.*

To the ninth, ſince I have devoted my whole fortune with all my intereſts for promoting this our Deſign, I promiſe that whatever any ſhall contribute for it, ſhall all be laid out for this War, which I ſhall with my whole Forces manage and carry on, till either it pleaſe God that You obtain a deſired Peace, or that the Liberty of Germany, *which is now oppreſſed, be reſtored.*

To the tenth, ſince by this Article Your Majeſty requires and expects Fidelity from me and my Army, I James *Marquis of* Hamilton, *by theſe preſents give my Faith for my ſelf and them, and bind both my ſelf and them; and for the Confirmation of this I do ſubſcribe this Article with all the preceding, and put my Seal to it, at* London *the firſt of* March, Anno Dom. 1631.

Signed,

Hamilton.

Locus Sigilli.

An. 1630. *Ramſay* had in Commiſſion to deal with any *Scotiſh* or *Engliſh* Officers who ſerved beyond Sea, to come and ſerve under the Marquis; and finding *Mackay* the Lord *Reay* in good reputation, he dealt with him to engage in his Service, who cordially undertook it, and ſome moneths after that wrote to the Marquis, (which Letter is preſerved:) That though the King of *Sweden* had given him the Command of three Regiments, and made him Captain of his Guards; yet he was ſo deſirous to put life in his noble deſigns, that he would ſerve him, were it but to carry a Pike in his Army: and thus *Ramſay* returned, and Colonel *Hamilton* with him. Whereupon the Marquis went about the executing of his deſigns, and the levying of his men, but all was according to the Kings Orders and Inſtructions; yet His Majeſty ſeemed onely a conſenter to it. The Levies went on all this Winter, in which many were backward, becauſe the King owned them ſo little. As for Money, the King advanced a good ſumme, though far ſhort of what was neceſſary: but he gave the Marquis a Leaſe of the Cuſtoms of the Wines in *Scotland* for 16 years, upon which Security he and all his friends raiſed as much Money as the deſign required. Many of the Marquis his friends did in the beginning diſſuade him from the undertaking, apprehending the hazards both of his perſon and fortune, which were viſible from an attempt that was full of dubious ſucceſs; but when they ſaw him engaged in it, they did all very frankly concur, mortgaging their Fortunes for raiſing ſuch ſummes of Money as were neceſſary for the Expedition.

Ramſay treats with the Lord *Reay*.

An. 1631. Next Spring the Marquis ſent *Ramſay* to *Holland*, to ſee what aſſiſtance he might expect from the States, and in particular to deal with ſome *Britiſh* Officers who were then in their Service, to come and take employment in his Army. He likewiſe ſent one *Elphinſton* to the King of *Sweden*, to ſhew him, that he would be ready to land with his Army in *June* or *July*, and to preſs that the Forces he was to have from the *Swede* might be ready to meet him where ever he were appointed to land his men: or if the King of *Sweden* could not ſpare ſo many men, that he would order the money for their Levy and Pay to be ſent to *Hamburg*, or to any other Bank, that ſo the Marquis might levy them himſelf. Upon this the King of *Sweden* ſent the Lord *Reay* firſt to *Denmark*, and then to *Holland*, for carrying on of thoſe Levies; and committed the levying of 3000 Foot and 1000 Horſe to Colonel *Farensback*, a *Leeflander* of good repute in the Wars; who had ſerved the Emperour, but for I know not what crime had loſt his favour, and undertaken the Service of the *Swede*, and ſeemed to be going on with his Levy till the time was paſt, and then did baſely run over to the Emperour; ſhewing how great a Service he had done by his couſening the King of *Sweden*, ſince he hoped the failing of the *Swediſh* Auxiliaries would keep the Marquis of *Hamilton's* Army from coming over that Summer.

Ramſay is ſent over to the States, and *Elphinſton* to the King of *Sweden*.

The King was betrayed by *Farensback*.

King *Guſtavus* was now in *Germany*, and by his frequent Letters preſſed the Marquis his diſpatch, for he was then in great ſtraits: the Princes of *Germany* begun to fear his ſucceſs, and were not ſo forward in joyning with him as he expected; and by divers Letters, both from himſelf, and *Camerarius* his Ambaſſadour in *Holland* and *Salvius* his Agent in *Hamburg*, it appears that the Princes of *Germany* took their meaſures chiefly

He preſſed the Marquis to come in all haſte;

chiefly from the Kings reſolutions. The King of *Sweden* alſo deſired a League with the King, and that the King ſhould ſend over ten thouſand men, whom the King of *Britain* ſhould maintain during the Wars, and that Army, with the other twelve thouſand, ſhould be under the Marquis his Command as General: upon which the King of *Sweden* ſhould oblige himſelf, never to make Peace with the Emperour till the *Palatinat* were reſtored. To this the King gave a good hearing, and promiſed to ſend over an Embaſſadour to finiſh the Agreement; and in the mean time the Marquis his diſpatch was haſted forward with all diligence. His Army was partly *Scots*, partly *Engliſh*, and they were to be tranſported in the Kings Ships; the *Scotiſh* Forces were to be ſhipped at *Leith*, and the *Engliſh* at *Yarmouth*, and *Yarmouth-Road* was to be their Rendezvous. *An.* 1631. and deſires a League with the King.

In the end of *May* both *Reay* and *Ramſay* came out of *Holland* to *England*. *Ramſay* got nothing done with the States, who would give no aſſiſtance to the Marquis, till the King formally engaged himſelf; yet he got ſome Officers to come over, and in particular that gallant *Engliſh* Gentleman, Sir *Jacob Aſhly*, who had acquired much reputation in the *Dutch* Wars: but *Ramſay* drew much trouble on himſelf, for being a man of an intemperate tongue, he had talked looſly of the Court of *England* to the Lord *Reay*. At this time the Marquis was in *Scotland*, drawing the Souldiers together, and having made all ready there, he returned to Court, having nothing more to doe but to kiſs His Majeſties Hand, and receive his laſt Commands: but there was then at Court the Lord *Ochiltree*, a man of a ſubtil ſpirit and good parts, had not thoſe endowments of his mind been ſtain'd with ſome ill qualities. He had acquired ſome intereſt in Court by the ſervice he did the Earl of *Niddiſdale* in the matter of the Kings Revocation and the Commiſſion of Surrenders, (which to explain were too long a digreſſion here, and needleſs to all who underſtand how the Rights of the Titles were at that time unſettled in *Scotland*.) His malice againſt the Marquis was hereditary, he being the Son of Captain *James Stewart*, who in King *James* his Minority, when the *Hamiltons* were groundleſly and in a mock-Parliament attainted, carried the Title of Earl of *Arran*, and poſſeſſed their Fortunes. Lord *Reay* (upon what irritation I know not) alledged to him, that Mr. *Ramſay* had told him, that the Marquiſes deſigns were not upon *Germany* but *Britain*, and that when this Army was once gathered he purpoſed to pretend to the Crown of *Scotland*. This lye was ſo ill told, that it could take with none but thoſe whoſe Judgments were blinded through malice: for as that Army was very ſmall, and in no manner of capacity to proſecute ſuch a deſign, ſo it was made up of *Scots* and *Engliſh*; and moſt of the Officers were perſons of whom the Marquis had no acquaintance. *Reay* alledged likewiſe the teſtimony of one Mr. *Cleazar Borthwick*, to whom Mr. *Meldrum* ſhould have communicated the ſame deſign: but this teſtimony turned to his ſhame, for that perſon, who was of known integrity, being brought from *Germany*, and examined upon what *Meldrum* had ſaid to him, deſired liberty to ſend his Depoſition to the King ſealed, ſince the particulars were not fit to be publickly heard; to which the King yielding, he ſent it. The ſumme of it was, that *Meldrum* had never communicated any ſuch deſign to him; that he had indeed ſpoken abominably of the King and Court, but all was in his own name; and that he brought no credence

Reay accuſeth *Ramſay*, and *Ochiltree* the Marquis.

Borthwick being a witneſs clears the Marquis.

An. 1631. with him from the Marquis, for his errand to the *Swediſh* Court was onely to ſolicit the payment of ſome Arrears due to his Uncle, who had ſerved that Crown; and he had no Employment from the Marquis, onely he got from him Letters of recommendation for the diſpatch of his buſineſs, ſo that whatever he ſaid was underſtood as his own ſenſe, and not as a meſſage from the Marquis.

Reay alſo alledged the teſtimony of Lieutenant Colonel *Lindſay*, for a great part of that he charged on *Ramſay*. This *Lindſay* indeed was a brave Gentleman, and *Reay*'s Lieutenant Colonel, but was killed two or three moneths before *Reay* met with *Ochiltree* at *London*. He was in new *Brandenburg*, with other *Swediſh* Officers, when *Tilly* took it in, and all *Reay*'s Regiment was cut to pieces except a very few; which turned to his eternal diſgrace, who in ſuch a hot time of Action left his Command to come over to *England* and forge lyes: and after that *Reay* was in no eſteem neither with *Scots* nor *Swedes*, and irrecoverably loſt himſelf in the K. of *Swedens* opinion. But *Reay* kept himſelf from charging any thing on the Marquis, fixing all he ſaid on *Ramſay*; which Caution was not obſerved by *Ochiltree*, who drew a repreſentation of the Marquis his intereſt in *Scotland*, to ſhew what probabilities might be of ſuch a deſign, and reckoned up all his Kindred and Allyes, by which he drew in moſt of the Nobility of *Scotland*, and ſo faſtned ſuſpicions on them all; a madneſs onely incident to thoſe of *Bedlam*, to which his malice drove him though he was no fool.

Weſton carries the Accuſation to the King;

With this account of *Reay*'s and his own he went to the Lord *Weſton*, then Treaſurer of *England*, and perſonating great zeal for the ſafety of King and Kingdoms, revealed this alledged Treaſon to him; adding, that it was probable, all things being now ready to be put in execution, that the Marquis upon his return, to put things in the more fearful diſorder, might (if admitted to wait in the Kings Bed-chamber) murder him. This was a Calumny than which Hell could not have forged a fouler; for Lord *Ochiltree* judged that this would have infallibly produced one of two effects, either raiſed ſuch a Jealouſie in the Kings thoughts as to have quite ruined the Marquis, ſince few Princes are proof againſt ſuch whiſpers; or at leaſt it would have ſtopt his voyage for a while, till he were tried, and the ſmalleſt delay in that would have ſcattered his Souldiers; ſo that this deſign failing, in which his Honour was now ſo far engaged, a ſtain ſhould lie on him through all *Europe*. Lord *Weſton* carried this Story to the King, whether provoked to it out of hatred to the Marquis, or moved from his zeal and duty to the King, ſhall not be determined; though the laſt was pretended by him, and in many of his Letters to the Marquis, when he was in *Germany*, he expreſſed much friendſhip for him.

who gives it no good hearing,

But His Majeſty knew the Marquis too well, and underſtood all his motions, and the progreſs of this Affair too exactly, to give any credit to this Forgery: and indeed he rejected liſtening to it, in terms ſo full of affection for the Marquis, as diſcovered he was incapable of any Jealouſie, either of him, or any of his actions; neither would he hearken to thoſe who onely deſired that upon his return he might not be admitted to his Preſence, at leaſt not to lie in his Bed-chamber. Within a very little while the Marquis came to Court, utterly ignorant of the execrable deſigns of his Adverſaries: His Majeſty welcomed him with an air of kindneſs beyond what he ordinarily gave him, and drawing him

him apart, immediately told him all that villainous ſtory which had been whiſpered againſt him. The Confuſion this raiſed in his thoughts was unſpeakable, being amazed to find himſelf ſo horridly miſrepreſented, knowing his heart to be full of duty and affection to his Soveraign; he wondered how malice could be ſo impudent, as at a time when he was hazarding Life, Honour, Friends, and Fortune, for the Kings Service, to faſten ſuch a devilliſh gloſs on his actions: but this ſurprize was overcome with a greater, when he ſaw His Majeſty with an unheard-of, and truly Royal generoſity, expreſs his confidence in him in ſuch obliging terms, as ſcarce to allow him to ſpeak in his own Juſtification; which ſeeming to inſinuate, he thought he needed to be vindicated, the Marquis begged he might be preſently tried, and offered himſelf to reſtraint till he were cleared. But His Majeſty would not hear of that, on the contrary commanded him to lie in the Bed-chamber that night; and he expreſſed his confidence and kindneſs for him, in ſuch a ſtrain both of behaviour and diſcourſe, that the Marquis frequently ſaid, he looked on the kindneſs of that night, as that which obliged him more than all the other publick teſtimonies of the Kings favour and bounty he ever met with; for His Majeſty embraced him with ſuch tender affection, that he had been a monſter of ingratitude, if he had been ever capable of forgetting it: and indeed the Marquis uſed to ſay, that never were his reſentments for any uſage he afterwards met with ſo great, but the remembrance of that night ſtifled them quite; and it muſt be confeſſed to be a paſſage without example in Hiſtory, ſince the days of the conquering King of *Macedon*. But the Marquis was not able to lie under ſuch terrible imputations, wherefore he preſſed that *Ochiltree* might be put to it to prove what he had alledged: but all he offered againſt *Ramſay* was onely a preſumption, which *Ramſay* denied and *Reay* affirmed; ſo that they were both put under Bail, and nothing appeared that did touch the Marquis: for, though *Ramſay* had been as guilty as the Lord *Reay* called him, that left no imputation on him, ſince none can be made anſwerable for thoſe they imploy, unleſs it appear that they followed the Inſtructions given them. So the Marquis was diſpatched to *Germany*. Lord *Ochiltree* had charged the Marquis with Treaſon, and failing ſo totally in his probation was ſent down to *Scotland* to be tried, where he had a legal and free Trial for his falſe Charge, before the Juſtice-general, and ſuch Aſſeſſors as were appointed to ſit with him by the Privy Councel: and had the Marquis repaid him in his own coin, he could not have eſcaped capital puniſhment; but he was ſatisfied with his own Juſtification, and ſuch a Cenſure put on the Calumniator, as might deter others from the like attempts; wherefore he was condemned to perpetual Impriſonment in *Blackneſs* Caſtle, and he continued there for twenty years. But that all this matter may be ended at once, ten years after this, when His Majeſty was in *Scotland* in the year 1641, the Marquis was prevailed on, by the addreſſes *Ochiltree* made to him, to procure his liberty from the King; which he was to have done, but at that time one Captain *Stewart*, who had married his daughter, was amongſt theſe who diſcovered the alledged Plot, commonly called the *Incident*, (whereof an account ſhall be given in its due place:) and this bound up the Marquis from interpoſing for *Ochiltree*'s liberty, leſt it ſhould have been ſuppoſed that he had done it as a kindneſs to his Son-in-law for that diſcovery, which might have raiſed ſome Jealouſies.

An. 1631. and opens the whole matter to the Marquis;

and made him lie in the Bed-chamber that ſame night.

Ochiltree tried and ſentenced for his Forgeries

to perpetual Impriſonment.

As

An. 1631. As for the Lord *Reay* and Mr. *Ramſay*, they continued the one poſitively affirming, the other as confidently denying what was alledged; but in the whole progreſs of the Trial the King expreſſed that concernment in the Marquis, that he ſeemed earneſt even to have *Ramſay* vindicated. *Ramſay* carried himſelf very fiercely in the purſuit; at length both of them deſired to be judged by the Martial Court, and that they might be permitted a Combat. *Ramſay* was the more eager in that, but though *Reay* did not decline it, yet he was not ſo forward as the other. It ſeems needleſs to give a relation of the particular procedure of this Affair, though another, to ſwell up his Volume with impertinent Stories, hath at length ſet down the Journal of the proceedings of the Martial Court, with no other deſign but to heap the more envy on the Marquis, which he uſually doth with as much ignorance as malice. All the account to be added ſhall be in the words of one againſt whom there can be no exception: I ſhall therefore ſet down His Majeſties Letter to the Marquis, upon the concluſion of this matter, which is taken from the Original.

Reay and *Ramſay* deſired a Combat.

Sanderſons Life of King *Charles.*

James,

His Majeſties Letter about that Affair.

SInce you went I have not written to you of Mackay's *buſineſs, becauſe I neither deſire to propheſie nor write half news; but now ſeeing (by the grace of God) what ſhall be the end of it, I have thought fit to be the firſt advertiſer of it to you. I doubt not but you have heard, that (after long ſeeking of proofs for clearing the buſineſs as much as could be, and formalities which could not be eſchewed) the Combat was awarded, day ſet, weapons appointed: but having ſeen and conſidered all that can be ſaid on either ſide, as likewiſe the Carriage of both the men, upon mature deliberation I have reſolved not to ſuffer them to fight; becauſe firſt, for* Mackay, *he hath failed ſo much in his circumſtantial probations, eſpecially concerning* Muſchamp, *upon whom he built as a chief witneſs, that no body now is any way ſatisfied with his accuſations; then, for* David Ramſay, *though we cannot condemn him for that that is not, yet he hath ſo much and ſo often offended by his violent tongue, that we can no ways think him innocent, though not that way guilty whereof he is accuſed: wherefore I have commanded the Court ſhall be diſmiſſed, and Combat diſcharged, with a Declaration to this purpoſe, that though upon want of good proof the Combat was neceſſarily awarded, yet upon the whole matter I am fully ſatisfied, that there was no ſuch Treaſon as* Mackay *had fancied; and for* David Ramſay, *though we muſt clear him of that Treaſon in particular, yet not ſo far in the general, but that he might give occaſion enough by his tongue of great accuſation if it had been rightly placed, as by his fooliſh preſumptuous carriage did appear.*

This

This is the ſubſtance, and ſo ſhort, that it is rather a direction how to believe others than a Narration it ſelf, one of my chief ends being that you may ſo know David Ramſay, *that you may not have to doe with ſuch a Peſt as he is, ſuſpecting he may ſeek to inſinuate himſelf to you upon this occaſion; wherefore I muſt deſire you, as you love me, to have nothing to doe with him.* An. 1631.

To conclude now, I dare ſay that you ſhall have no diſhonour in this buſineſs, and for my ſelf, I am not aſhamed that herein I have ſhewed my ſelf to be

Your faithful Friend and loving Couſin,

London, May 8. 1632.

CHARLES R.

But to return to our Story; the King of *Sweden* appointed General *Leſley*, afterwards Earl of *Levin*, to wait on the Marquis at his landing, which he deſired might be at *Breme*; and appointed his Agent to deal with the Archbiſhop of *Breme* about it, who was well ſatisfied, promiſing him all aſſiſtance: he was alſo put in hope of the Auxiliary Forces to be in readineſs to meet him there; but ſeeing no other appearances beſides words and promiſes, he did not think it ſafe to land his little Army in a Country ſo diſtant from the *Swediſh* Camp, when the Enemy lay betwixt them, ſo that he might eaſily have been cut off before they could joyn; therefore he reſolved to ſail through the *Sound*, and land in *Pomerania*, where none lay betwixt him and the King of *Sweden*. The Marquis ſets ſail, and intends for *Breme*, but ſails through the *Sound*;

On the 16th of *July* he ſet ſail from *Yarmouth-Road*, which was the place appointed for Rendezvous, his Fleet being about 40 Ships: and on the 27th he came to *Elſenor*, where he went aſhore to kiſs the King of *Denmark*'s hand, and to deliver the Kings Letters to him for a free paſſage, in caſe he took that courſe; from whence he diſpatched *Pennington* to His Majeſty to receive further Orders, to which he had the following Anſwer.

James,

I Could not let Colonel Peebles *go without telling you, that I have received your Letter of the 25th of* July *by* Pennington. *As for my reſolutions concerning the Affairs of* Germany, *you ſhall know now very ſhortly (by the grace of God.) I have reſolved to diſpatch* Henry Vane *within ten days at furtheſt, till which time I thought it not amiſs (by theſe lines) to aſſure you, that I neither do nor ſhall forget you; and then you ſhall ſee, that I remember you with that care and kindneſs that you may truly expect from*

8 Sept. 1631. Your loving Friend and Couſin,

CHARLES R.

On

An. 1631. On the 29th of *July* he ſet ſail again, and on the 31th came to the mouth of the *Oder* between *Voll-Gaſt* and the Iſle of *Uſedom*, where the *Swedes* had firſt landed; ſo on the 2d and 3d of *Auguſt* he landed his Forces, which upon muſter were found to be above 6000 able men. The next day they paſſed over from the Iſland to the Continent, and there he had a return from the King of *Sweden*, by the Meſſenger he had ſent to give him notice of his ſafe arrival. That King welcomed theſe tidings with much joy, and appointed him to go into *Sileſia* for the reducing of that Country, promiſing that the Army he was engaged to give for his aſſiſtance ſhould meet him on his way; and with this he ſent him a Commiſſion to be his General in *Sileſia*.

he lands in *Germany* with 6000,

in good time to the King of *Sweden*.

The fame of this Army run through *Germany*, being repreſented to be about 20000 men, which ſtruck a great terror into the whole *Imperial* Party, ſo high was the fame of the *Scots* valour: and it was confeſſed through *Germany*, that the Marquis his coming at this time was a great occaſion of the famous Victory obtained at *Leipſick* in the beginning of the next moneth; for the fame of this made the Elector of *Saxony* agree preſently with the *Swedes*, and encouraged the whole Proteſtant Party, who now hoped to ſee the aſſiſtance of *Britain* prove more effectual than it had been formerly: it alſo obliged *Tilly* to leave about ſix or ſeven thouſand more in his Garriſons than otherwiſe he would have done, which weakened him much at the next Battel. But the Country they landed in was totally waſted, both by the *Imperial* Army, which had been led through it the former year, and by the *Swediſh* Army that had lately paſſed it; ſo that they met nothing before them, but Vaſtation, Plague, and Famine.

The Marquis goeth to the King of *Sweden*,

A little after that the King of *Sweden* deſired the Marquis to come to him, and receive Orders from himſelf; ſo he went, and found him on the other ſide the *Elb* at *Werben*. That King careſſed him with the higheſt expreſſions of kindneſs, profeſſing extraordinary obligations to him, and acknowledged what advantage the very name of his Army had already done him. The Marquis diſcovered in that noble Conquerour an air of Majeſty and Courage which could not be equalled, neither was his Prudence in Affairs inferiour to his Conduct of Armies: but thoſe rare excellences were much ſoiled with unſupportable Pride and Ambition, which grew with his ſucceſs to an intolerable degree. He preſſed the Marquis to ſolicit his Maſter earneſtly for a more vigorous ſupply, both of men and money; and he excuſed his not ſending the Forces he had promiſed to meet him, ſince his deſign was preſently to give *Tilly* Battel, ſo that he could not weaken his Army; but he bade him levy what *Germans* he could, whoſe Pay the King of *Sweden* ſaid he ſhould advance; and ſo he ſent him away to keep *Cuſtrin*, *Frankfurt* and *Lansberg*, and other Paſſes on the *Oder*, for his retreat in caſe he were beaten.

who ſends him to keep ſome Paſſes,

Whereupon the Marquis marched with his Army from *Stetin* up to *Frankfurt*, but the Famine was ſo great in this waſted Country that it was ſcarce poſſible for them to ſubſiſt. The Plague was alſo at *Frankfurt*, which broke in upon their Army ſo hotly, that in a few days it ſwept away above a third part of them, and came ſo near the Marquis himſelf, that one of his Pages died of it: yet ſo tender and ſo equally divided was his care of the Souldiers, that notwithſtanding all the ſtraits they were in none of them mutined or complained of him. After

where the Plague broke in on his Army.

ter the great Victory of *Leipſick*, which altered the whole ſtate of *Germany*, the King of *Sweden* ordered the Marquis to march up to *Sileſia*, though 200 Horſe and 300 Foot were all the Auxiliaries he ſent him. *An.* 1631.

At this time the Marquis had notice from the Governour of *Croſſen*, which was a good Town in the borders of *Sileſia* in the *Swedes* hands, that they were beſieged, and were ſo weak within that they could not hold out long; whereupon, that being a place of great importance, the Marquis ſent *Leſley* with 500 men for their relief, who no ſooner arrived but the Enemy retired, though they had reſolved to aſſault the Town that morning; and went away in ſuch haſte, that they left a great deal of their Baggage behind them, and ſome Cannon, which were taken by theſe of the Garriſon. And a few days after that the Marquis had intelligence, that the Garriſon of *Guben* (a Town in *Sileſia* in the Emperours hands) was much weakened; 2500 Souldiers had lien in it, but 2000 were drawn out for recruiting the *Imperial* Army, and 500 onely remained, who as he heard kept but bad Guard; whereupon he ſent *Leſley* with 600 men to ſurprize the place: but his intelligence proved falſe, for they kept good Watch, and had barred up two Ports; the third had two Draw-bridges and was well-guarded. But *Leſley* lay cloſe in the Suburbs, expecting the letting down of the Bridge at next Sun-riſing, for they within knew nothing of his being ſo near them; ſo next morning as the Bridge was let down, *Leſley* cauſed a few Horſe to come for making the Port good till the Foot ſhould advance. Theſe of the Town got the Port ſhut on them, yet they kept the Bridge; but the Foot coming up, after half an hours ſharp diſpute upon the Bridge, they did with Hatchets cut a hole in the Port, at which a few of the more reſolute entered, and opened it for the reſt: a great many of the Enemies were killed, and about 250 Souldiers, with 4 Captains and ſome Under-officers, were taken priſoners, who took ſervice under the Marquis. The taking of this Frontier Town put much courage in his little Army, and from this he was ſetting forward to *Glogow*, the ſecond Town of *Sileſia*, with good hopes of carrying it: but as he was to march, he received Letters from the *Swediſh* King, telling him, that by his Agreement with the Duke of *Saxony*, that Elector had undertaken to reduce *Sileſia*; wherefore he appointed the Marquis to follow him into the lower *Saxony*. The Marquis regrated extremely, that after he had marched ſo many days through a deſert Country, and was now come to a plentiful one, where there were fair hopes of good ſucceſs, he ſhould be preſently called back into thoſe barren and waſted Fields. But he began to find the King of *Sweden* was blown up with Succeſs, and neglected thoſe he had formerly careſſed; and *Sileſia* being united to the Crown of *Bohemia*, he underſtood that the King of *Sweden* would never truſt him in any Country where the King of *Bohemia* had intereſt. He once thought of going forward at all adventures, but the King of *Sweden* had ordered his Garriſons in that Country to acknowledge him no more; ſo he was forced to return to *Cuſtrin*, and there he got Orders to come and beſiege *Magdeburg*.

He relieves *Croſſen*,

and takes *Guben*;

but is recalled to beſiege *Magdeburg*.

His Army was ſtrangely diminiſhed, for he was forced to leave a thouſand behind him with the Plague upon them, and about another thouſand were divided in Garriſons, and ſo he had but a thouſand and five hundred of his own men, and about three thouſand *German* Foot,

An. 1631. whom he had raiſed; whereupon with theſe, and a thouſand *Swediſh* Horſe, he came and blocked up *Magdeburg*, which being the chief Town of the lower *Saxony*, had a great Garriſon of about 3000 within it, commanded by one of the Counts of *Mansfield*. That great and flouriſhing City had been beſieged and taken by *Tilly* the ſame year, where the Inhabitants were cut down, and the City burnt all to aſhes, except 80 or a 100 houſes about the great Cathedral, by a cruelty which had not been practiſed by the *Goths* or *Vandals*; for neither Age nor Sex was ſpared, nor was there any ceſſation till all were butchered down: and here it was, that *Tilly* had brought together the whole plunder had been taken in all his Victories, ſo that it was full of riches, beſides the great importance of the place. The Marquis could have no great hopes of carrying it, when they within were almoſt as ſtrong as he was without, for all that *Bannier* brought to his ſupply, made in the whole not 7000 Horſe and Foot: there was no attempting of it by ſtorm, for it could onely be carried by ſtarving them, ſo that there were no blows given, except in two little Skirmiſhes not worth the naming.

Sir *Henry Vane* comes Ambaſſadour to the King of *Sweden*.

At this time the King ſent over Sir *Hen. Vane* Ambaſſadour to the King of *Sweden* to enter in a League with him; who gave the Marquis advertiſement of his landing from *Hamburg*, and that he was ordered to communicate all his Inſtructions to him, and to proceed in every thing according to his advice, in particular to eſpouſe all his Concernments as the Kings own; and with this he ſent him the following Letters from His Majeſty.

James,

ACcording to my promiſe I have diſpatched Henry Vane, *whom I have commanded to impart unto you both his publick and private Inſtructions; ſo that it will be a good excuſe for my lazineſs in writing ſhortly to you, and a teſtimony to you, that your abſence neither makes me alter nor forget you; for you may be aſſured, that my Truſt of you is ſo well-grounded, that it lies not in the power of any body to alter me from being*

Hampton-Court
21 Sept. 1631.

Your loving Friend and Couſin,

CHARLES R.

POSTSCRIPT.

As you have begun, ſo I deſire you may continue, in letting me hear from you as oft as you have occaſion; the laſt I received from you was the 7th of Auguſt.

The other had followed the Ambaſſadour.

James,

An. 1631.

James,

JUst now I have received a Letter from you, dated the 22th of August *from* Stetin, *half of which is in Cypher, but I am afraid I ſhall hardly read it; for there is ſo little diſtance betwixt the numbers, that it ſeems but one continued number from the beginning to the end of every line; ſo that I muſt deſire you henceforward to diſtinguiſh your numbers perfectly: as ſoon as I have decyphered this, you ſhall have an Anſwer of it from*

Hampton-Court,
23 Sept. 1631.

Your loving Friend and Couſin,

CHARLES R.

The Ambaſſadour deſired him to name any place where he might come and ſpeak with him, before he ſaw the King of *Sweden*, for he had no mind to begin his Treaty till he had ſpoke with him; and at the ſame time the King of *Sweden* deſired him to come to his Camp for a few days, in order to the carrying on the Treaty, which he knew the *Britiſh* Ambaſſadour was coming to propoſe.

The Marquis goes to the King of *Sweden*.

Whereupon he left his Army under the Command of *Leſley* and *Bannier*, and went to the King of *Sweden*, whom he found at *Frankford* on the *Main*, much blown up with Succeſs, ſo that he ſeemed to make leſs account of the Kings Friendſhip; yet he expreſſed a great deſire to finiſh the Agreement, and when he appointed *Guſtavus Horn* to negotiat with the Ambaſſadour, he ordained him to *make the Marquis Umpire of all their Differences*, declaring, *that he would ſtand to his Deciſion.*

This, which is yet to be ſeen under his Hand and Signet, was an unuſual Complement from that high-ſpirited King; but the Marquis thought not fit to put it to the Teſt, how much of it was meant for reality. He preſſed the King of *Sweden* for more Auxiliaries, but was ſent back by him to his Army, loaded onely with hopes and fair words. So he came again to *Magdeburg* about the end of *December*, where he found that they within were much ſtraitned, and (as another Hiſtorian acknowledgeth) had *Bannier* been as forward as the Marquis was, the Town might have been rendred. On Chriſtmaſs-Eve they came to a Parley, and would have in few days rendred it: but on the ſecond day of their Treaty they had notice that *Papenheim* was coming with an Army to their relief, whereupon the Treaty broke up; and *Bannier* would have been retiring. The Marquis preſſed his ſtay, but he produced his Orders to command all the *Dutch* and *Swediſh* Forces, and not to hazard an Engagement. This the Marquis looked on as a great breach of Agreement, that any ſhould have Command in his Army but himſelf, but he muſt be patient; whereupon he retired to *Saltſa*, two leagues from the City, where he expected Duke *Weimar* with 5000 men, and reſolved on his arrival to have given *Papenheim* battel; but *Weimar* came not, and *Bannier* drew his men yet further away to *Kalbe*, a league and a half off, and paſſed the River *Sala*, preſſing the Marquis to paſs with him, ſo afraid was he of *Papenheim*; but the Mar-

Magdeburg comes to a Parley;

An. 1632.

An. 1632. quis ſent Sir *Jacob Aſhley* to view the Paſs, who told him it was ſo good, that he might ſafely march away in a quarter of an hours warning, in ſpite of *Papenheim* and his Army, upon which he would not ſtir.

but is relieved by *Papenheim*, Meanwhile *Papenheim* advanced with his Army, which he gave out to be ten or twelve thouſand, though it was onely 4700 men; but, to make the fame of it greater, the Purveyors who went before him made proviſion for near thrice ſo many: his men were drawn out of Garriſons, and brought up in all haſte; and if *Bannier* had not been ſtiff, it had been eaſie to have fought him, and the leaſt foil given him had made *Magdeburg* their own. *Papenheim* getting to *Magdeburg*, and

who leaves it. finding that it could not be kept, marched away with the Garriſon, and every thing worth carrying with them; but when he came out of the Town, the Marquis and he fac'd one another in a Plain betwixt *Kalbe* and *Saltſa*, and the Marquis, though very much weaker than he, yet had a great mind to have engaged: but *Bannier* would not think of it, neither had *Papenheim* any mind to provoke them, and ſo he marched away: thus Duke *Weimar*'s ſlowneſs, and *Bannier*'s carefulneſs, loſt them that occaſion. After *Papenheim* was gone the Marquis entred *Magdeburg*, where he found they had left about 40 peece of Cannon, and great ſtore of Ammunition, with plenty of Corns: he ſtaid there till the beginning of *February*, that the King of *Sweden* ordered him to lie about *Halberſtadt*: but his Souldiers were ill-entertained, and thoſe he had levied in *Germany* were preſſing for Pay, which ſhould have been advanced by the King of *Sweden*; therefore in the middle of *February* he went to that King, who received him with his former kindneſs: and by other Letters from His Majeſty he found, he was ſtill ſo happy as to retain the room he had in his Heart, which appeared by the two following he found there from His Majeſty.

James,

I Have received four Letters from you almoſt all together, (to wit, of the 23*th of* September, *of the* 8*th and* 14*th of* October, *and of the* 11*th of* November; *this laſt being under* Henry Vane's *Cover*:) *which makes me not let this Poſt go, without letting you know of the receipt of your Letters, having little other thing to write to you at this time; becauſe I am taking two or three days to make a full Diſpatch to you and* Henry Vane, *that you may know the uttermoſt of what you may expect from hence, aſſuring you that in all theſe Conditions you ſhall ſtill find me to be*

Whitehall, 16 Decemb. 1631. Your loving Friend and Couſin,

CHARLES R.

James,

An. 1632.

James,

YOu know that I am lazie enough in writing, being willing to find excuſes to write ſhort Letters; therefore, though I confeſs that at this time I have matter ſufficient to fill a long Letter, yet in earneſt (having commanded Henry Vane *to acquaint you fully with all my reſolutions) it were needleſs to trouble my ſelf with writing, or you with reading, a long Letter: therefore I will onely ſay, that you will find that I neither mean to forget, or break my Promiſes to you, and that you will not be unluckie if you have but as good fortune in all your actions, as is wiſhed to you by*

Whitehall, 31 Decemb. 1631.

Your loving Friend and Couſin,

CHARLES R.

The King of *Sweden* propoſeth unmeaſurable terms to the King.

But there were great rubs in the Treaty with *England*: the main thing preſſed by the Ambaſſadour was, that the King of *Sweden* ſhould give the Marquis an Army, with which and the Forces and Moneys to be ſent from *England*, he ſhould fall in on the *Palatinat*. But the King of *Sweden* propoſed unreaſonable Conditions, demanding greater Aſſiſtance from the King of *Bohemia* than the whole *Palatinat* could have given in its moſt flouriſhing Condition, and ſome Cities of the *Palatinat* to be put into his hands till the Wars were ended; with many other hard Conditions, almoſt as ſevere as theſe which had been propoſed by the Emperour: ſo that the Marquis did clearly perceive, *Guſtavus* was beginning to reckon on all *Germany* as his Conqueſt, and that he was to give what Laws he pleaſed in it. Thus the Ambaſſadour and he were in very ill terms, but he continued to uſe the Marquis with great civility; yet he ſtill declined to give him a Commiſſion to levy a new Army, neither would he pay him thoſe Summes of Money he had laid out in his Service; and his Chancellour ſaid to him, they knew very well he had ſpent none of his own Money, having gotten 100000 *l.* from his Maſter. He anſwered, though that were true, he and his Maſter were to reckon, but that muſt not be ſet to their Accompt.

The Marquis's Army is reduced to two Regiments.

In *April* the Marquis deſired, that ſome order ſhould be taken with the remainders of his Army till he got a new one, for their number at that time could onely have made him a Colonel, but not a General; ſo they were reduced into two Regiments, the one of *Engliſh*, and the other of *Scots*: the *Engliſh* were commanded by Colonel *Bellandin*, ſince made Lord *Bellandin*, and the *Scots* by Colonel *Hamilton*, and they were put in Duke *Weimar*'s Army.

The Marquis ſent over Sir *Jacob Aſhley* to give the King accounts of what paſſed, who was quickly diſpatched back with the following Letter.

James,

An. 1632.

James,

YOu did very well to acknowledge to the Chancellour of Swede *his allegation concerning the* 100000 l. *that he ſuppoſed you had from me for His Maſters Service, and ſo much as you did reply to him thereupon was good; but methinks you might have added that, that would more plainly have ſhewed him his error, which is, That if his Maſter would not accompt to you for what I gave you, yet, if he will take notice of it that way, it were reaſon not onely that he ſhould thank me for it, but alſo ſuffer me to put it on his accompt in part of that Aſſiſtance I am to give him; but if he will (as he ought) ſtand to his bargain with you, then he muſt leave you and me to reckon together, having nothing to do to enquire particularly what paſſes betwixt us. I need write little more to you at this time, the truſt and ſufficiency of this Bearer making it needleſs, onely to recommend him to you as you did to me, and to tell you freely, that you had done better in my mind if you had reſerved to him the* Engliſh *Regiment, when your Army was reduced. This I write merely of my ſelf, (on my word) for no body knows that I do this, and I never heard any blame you for it: and for* Jacob Aſhley *himſelf, he is ſo far from cenſuring of you, that you need wiſh to be no better than he calls you; and he ſolicits your buſineſs beyond the diligence and induſtry of a fee'd Lawyer. So referring my ſelf for what elſe I have to ſay at this time to him, I reſt,*

London, the laſt of April, 1632.

Your conſtant loving Friend and Couſin,

CHARLES R.

POSTSCRIPT.

I hope ſhortly you will be in a poſſibility to perform your promiſe concerning Pictures and Statues at Munéken, *therefore now in earneſt do not forget it.*

The King of *Sweden* refuſeth to give a new Commiſſion.

All this Summer the Marquis followed the King of *Sweden* in the quality of a Volunteer, of which he was ſufficiently weary: but he found that King was ſo jealous of him, that he was not to expect any Truſt near or in the *Palatinat*, where he deſired moſt earneſtly to be imployed, and that he did put him daily off; in which the King of *Sweden*'s deſign was, that by his Impatience he might be quickned to carry on the Treaty with *England* on any terms. But no conſideration of his own could make him betray his Maſters Service, or drive on Propoſitions which he judged ſo diſhonourable for him, as were thoſe he offered about the *Palatinat*; wherefore he wrote to His Majeſty to receive his poſitive Commands what to do. His Majeſties Anſwer follows.

James,

An. 1632.

James,

I *Have received three Letters from you by* James Lesley, *about the* 25*th of* July, *all which I assure you have given me very good satisfaction, as well for your right understanding of Affairs in general, as to give me a light how to direct yours in particular, which at this time is the onely subject of mine. One of two you must chuse, either to stay, or come away. For the first, it were very Honourable to doe (in the timis of Action) if you had an Employment, but neither having, nor likely to have any hereafter, it were dulness, not patience, to stay any longer; yet it is fit to come off handsomly, neither shewing impatience nor discontentment, if may be, although I think you have cause for both: therefore I have commanded* Henry Vane *to propose a new Employment for you, which though I think it will not take effect, yet it will shew, there is no way unsought for to find you out an Employment with the King of* Sweden. *It is, that you may be sent into the* Palatinat, *to assist the* French *with so many men as my Contribution will maintain; which if it may be done, they promise me to put the lower* Palatinat *in my hands. This though I do not hold as* Gospel, *yet, if this design might be put in practice, it might certainly prove useful to my Affairs: this being denied, (as I think it will) you have no more to doe but to seek a fair excuse to come home, which will be best, in my opinion, upon the conclusion of the Treaty between* Sweden *and Me; or if any rubs arise, that you might be sent to clear it with me. So that upon the whole matter my Judgment is, that if you cannot serve me in the* Palatinat, *(as I have already said) the best way is, that you take the first civil excuse to come home to*

Oatland,
1 Aug. 1632.

Your loving Cousin and faithful Friend,

CHARLES R.

POSTSCRIPT.

David Ramsay *will (as I imagine) meet with you before you come hither, which if he doe, I hope you will remember what I have said concerning him already.*

But at this time *Oxenstern* demanded a League Offensive and Defensive between the Crowns of *Britain* and *Sweden*, and that the making of Peace in *Germany* should be onely in the King of *Swedens* hands. This varying wholly from the former Treaty, wherein they had onely treated about the Affairs of *Germany*, and whereby no Peace could be with-

An. 1632. without the Kings conſent, the Ambaſſadour and he broke up in very ill terms; and on the back of this, the Marquis preſſing the King of *Sweden* to aſſign him a Country for levying a new Army, His Majeſty anſwered him with a new delay: but he told that King, that he had been now fifteen moneths from his own Country, and though he had been at a vaſt expence he had received nothing in that Service, and that his Heart was too great to be a perpetual Volunteer, as he had been theſe divers moneths paſt; wherefore he preſſed for a preſent Anſwer. The King of *Sweden* confeſſed he had reaſon to be weary, and he acknowledged the great obligation he had to him, and that he would always look upon him as one of his beſt Friends; but ſaid the blame of all the delays he met with fell on the *Engliſh* Ambaſſadour, on whom he fell a-railing with the greateſt paſſion that the Marquis had ever ſeen him in; and in a huffing way pulled the Marquis his Hat out of his hand, and clapped it on his own head, and went ſtamping up and down the room in great rage. The Marquis ſhunned the Diſcourſe, ſince as he could not condemn the Ambaſſadour, ſo he would not irritat the King of *Sweden* by an ill-timed Juſtification of him: but the chief reaſon of his paſſion was, that many of the Princes of *Germany* were beginning to talk, that their Deliverer was like to prove a greater Tyrant than the Emperour had ever been, and he ſuſpected the Ambaſſadour was Caballing with them.

The Treaty breaks up.

The King of *Sweden* in great paſſion.

But the Marquis ſeeing nothing but delays, deſired liberty to return to *England*, that he might levy a new Army, and remove any Miſunderſtandings were betwixt his Maſter and the King of *Sweden*. This Propoſition was ſo fair that it could not be refuſed; ſo on the 8th of *September* the King ſigned a Commiſſion to him for bringing over a new Army, and gave him Inſtructions for ending the Treaty with the King: and a little after that he took leave of him, and was diſmiſſed by the King of *Sweden* and all about him with very high expreſſions of Friendſhip, that King telling him, that in whatſoever place of the World he were, he would ever look upon him as one of his own.

The Marquis returns to *England*.

As he was returning home he received the following Letter from the King.

James,

I *Wrote to you in my laſt to find a pretext to come home, but now I muſt tell you, it is not fit to ſtay any longer where you are; for the impoſſibility of your Employment there, and the neceſſity of your buſineſs here, requires your return; ſo that at this time I'le ſay no more but,* Nil mihi reſcribas, attamen ipſe veni; *for you ſhall be no ſooner come than welcome to*

Hampton-Court,
24 Sept. 1632.

Your faithful Friend and Couſin,

CHARLES R.

And thus ended the Marquis his Expedition into *Germany*, wherein if he miſſed that Succeſs which himſelf or others had expected, it was no miſ-

miſcarriage nor neglect of his own; nor could it be ſaid that he had failed in a jot of what he undertook, though almoſt in every particular the King of *Sweden* failed to him; neither was any thing ſo much the occaſion of theſe neglects he met with in *Germany*, as the firm affection he bore his Maſters Service: yet though this leſſened his Confidence in him, yet it could not but increaſe his Eſteem of him. 'Tis true, he did not ſurvive this long, to give any expreſſions of it; for in *November* next at *Lutzen* was that great and conquering King brought to the end of his days, and ſo all his thoughts and graſping deſigns did periſh with him; onely the Renown of his never-dying Fame ſurvives. *An.* 1632. The King of *Sweden* is killed.

But both *Oxenſtern* and his other Counſellours in their Addreſſes to the *Engliſh* Court, during the Minority of their young Queen, did recommend all their Affairs to the Marquis, as to one of their own Nation, with the higheſt expreſſions of Eſteem and Friendſhip; and divers of the Electors and Princes of *Germany* were much taken with his Converſe, having ſeen him in the *Swediſh* Camp, and continued their Friendſhip with him both by Correſpondence and Preſents.

When he returned to Court, his reception with the King was as affectionate as his parting had been, and he continued about His Majeſty in the higheſt Characters of Favour; but he kept himſelf much out of buſineſs, medling little in *Scotiſh* Affairs, except it had been to procure a particular kindneſs to his Friends, in which he was ſo ſparing, that many were diſſatisfied with him for it. The Marquis is well received at Court

Next year the King went into *Scotland*, to receive the Crown of that his ancient and native Kingdom, and held a Parliament there; thither did the Marquis follow him, aſſiſting at that Ceremony according to his Rank with much joy. But his Expedition to *Germany* had involved him and all his Friends in vaſt Debts; yet his Leaſe of the Cuſtoms of the Wines was a good Security, and fully able to free him of that burden, and was ratified in that Parliament. But the Earl of *Traquair*, who was then Treaſurer-Deputy, ſuggeſted to the King, that theſe Cuſtoms were the readieſt and ſureſt Moneys that the King had, and that the Treaſury would ſignifie little without them: wherefore he moved that ſome other way might be fallen upon, for refunding the Expence the Marquis had been at for his Army in *Germany*, that ſo theſe Cuſtoms might return to the Treaſury. All the Marquis his Friends having got a hint of *Traquair*'s Propoſition, preſſed him to oppoſe it with all his Intereſt; ſince the Security he had was good, and well-ſettled on him by Law, and any new Project could be fallen on, would neither prove ſo ſure, nor ſo ſpeedy Payment. But *Traquair*'s Propoſition pleaſed the King well, and he moved it to the Marquis, who without either murmuring or reluctancy offered back his Leaſe of the Cuſtoms of the Wines, and ſubmitted his whole pretenſion to the King. *An.* 1633. He waits on the King to his Coronation in *Scotland*.

But His Majeſty was both juſt and generous, and ſo would not ſuffer him to be ruined by thoſe Burdens which had been contracted by his own Commands; wherefore a Taxation being laid on the Country by the Parliament for the Kings ſupply, together with another Impoſition of two of the ten, which was then the Intereſt of Money, the Collecting of theſe was put in the Marquis his hands till he ſhould be paid all was due to him by His Majeſty for the Expedition to *Germany*, and for ſome other great Summes His Majeſty was owing, which he under-

An. 1633. took to pay; and for the reſt he was to be accomptable to the Treaſury, upon which he yielded up his Leaſe of the Cuſtoms of the Wines.

In the end of that year His Majeſty ſent down the Marquis to ſettle, with the ſeveral Shires and Burroughs of *Scotland*, both for the Taxation and the Two of the ten: and though his Power in that was full, ſo that he might have acted ſingly; yet he would do nothing without the conſent of the Lords of Exchequer and Seſſion. He ſpent ſome moneths in theſe Agreements, and after he had ſettled with the greateſt part, he returned to his attendance at Court, having devolved the management of his Fortune and private Affairs on his Friends: and thus his Fortune was in a few years recovered from the burdens it lay under.

A year after that he was ſent down again to examine the Earl of *Morton*'s Accompts, who was Treaſurer, and then he gave a new Inſtance of his being againſt the ingroſſing of Power; for though his Truſt warranted him to have acted ſingly, yet he carried along with him in all his procedure the whole Exchequer.

And this is all the medling that (for ought I find) he had in publick Affairs till the Year 1638.

MEMOIRES

MEMOIRES

OF THE

LIFE and ACTIONS

OF

James Duke of Hamilton, &c.

LIB. II.

Of what paſſed while the Marquis was Commiſſioner in Scotland *in the Years* 1638, *and* 1639.

HItherto the courſe of the Marquis his Life had been more eaſie and ſerene, but henceforth we ſhall find it a tract of Clouds and Storms; for now he came to engage in a diſorderly Affair, if ever any was: he found it troubled, but had no hand in the occaſions of theſe Confuſions, having abſtracted himſelf from publick Affairs for divers years, medling no further than in giving general Advices when called for; and ſo far had he been from engaging himſelf in any deſigns, that at his entry upon buſineſs there was neither Privy Counſellour, Officer of State, nor Lord of the Seſſion, of his recommending, or that depended on him, the Juſtice-Clerk onely excepted.

An. 1638. The Marquis enters on the Affairs of *Scotland.*

But becauſe this year gave the riſe to thoſe diſmal Troubles, whoſe tragical Cataſtrophe we have all felt ſo ſenſibly, and ſince the Affairs of *Scotland* were wholly and onely truſted to the Marquis his Conduct for this year, the account of it ſhall be enlarged, perhaps to tediouſneſs: but it is hoped that the importance of the Narration ſhall more than compenſate the pain of its length. And this is the more neceſſary, becauſe the Marquis his Actions this year are generally ſo little known, and ſo ill repreſented; beſides, that great Encouragement is offered from the copious and authentick materials yet extant, for compoſing of this Narration. But to give a clearer proſpect of the State of things before his Negotiation, an account muſt be given of the riſe and occaſion

An. 1638. of this years Diſorders, and of the ſtate in which he found matters at his firſt Engagement.

A brief Summary of Church-affairs from the Reformation to the preſent Year.

What is here to be ſaid as a requiſite Introduction to theſe Tranſactions, is indeed out of the Road, and not made out by his Papers; but the Diſcourſe will be grateful, it is preſumed, to thoſe who have not had a true, full, and clear Information of the particular paſſages of theſe Times: whereof though ſome have attempted to give the World an account, yet none (for ought I know) hath done it upon knowledge or authentick Information, as what is here ſaid of theſe matters ſhall be.

It is well known that in *Scotland* the firſt Reformation from the corruptions of Popery was Popular, without the concurrence or allowance of Supreme Authority, though the Nobility for the moſt part joyned in it; and the Preachers being the chief actors and proſecutors of it, came to have great power over the People and intereſt with the Nobility.

The Miniſters were popular and factious.

It continued thus during King *James* his Minority; but no ſooner came he to aſſume the Government, and to conſider the ſtate of the Kingdom, than he found the power the Miniſters had with the People was ſwelled to ſuch inſolence, that it was more than neceſſary to limit it to its juſt bounds: for nothing paſſed in the Court or Council but their Pulpits did ring with it, and no favour was ſhewed to any that were Popiſhly affected, but Jealouſies were infuſed into the minds of the People, as if Religion had been in hazard; and the People being then in their firſt fervours againſt Popery, were apt to take thoſe Alarms pretty hot; neither did the King cheriſh any who was not devoted to them, but they did repreſent him a Favourer of Popery. They alſo held Opinions which ſavoured too much of that Church which was ſo odious to them, concerning the power of their Aſſemblies, and their not being accountable for what they preached, how Treaſonable ſoever, till it were firſt judged by the Church-Judicatory; where all ſuch things were ſure of a mild Cenſure, to ſay no worſe: divers other Tenets they held, which were judged inconſiſtent with good Government. But many of them being popular Preachers, and of inſinuative tempers, they were much depended upon by the People, who looked on all their Exceſſes as holy zeal.

King *James* brought in Epiſcopacy,

King *James* bent all his thoughts to the regulating of this, and judging that the onely courſe to effectuate it was, to have ſome few of greater temper and diſcretion to be ſet over the reſt, he ſtudied by all means to get Epiſcopacy introduced in *Scotland*; promiſing himſelf, by that means, an infallible remedy of all theſe Evils, of which he was extremely ſenſible, though his great Gentleneſs made him very ſlow in puniſhing them: but they foreſeeing well the Kings Intentions, and the effects they might produce, did as cautiouſly reſiſt all his attempts that way.

though not without great and long oppoſition.

I ſhall not tell what endeavours that wiſe and peaceable King uſed for compaſſing of his deſigns, nor with what hindrances they were obſtructed: but no ſooner was he happily ſettled on the Throne of *England*, but he went more roundly to work; and yet it was not without oppoſition that he got Epiſcopacy ſettled and ratified in Parliament, *Anno* 1612. But though great art was uſed to get Aſſemblies framed to the Kings deſigns, he could never compaſs it.

Epi-

Epiſcopacy being ſettled, King *James* alſo erected a High Commiſſion Court, for puniſhing ſuch as offended againſt that Conſtitution of the Church. This Court was made up of Biſhops, and other Noblemen and Gentlemen; but the Biſhops being thoſe who kept the Diets of it beſt, moſt of the Secular perſons abſenting themſelves often on deſign, and the Biſhops leading all matters in it, it was counted their Court, and the *odium* of all that paſſed there fell to their ſhare. *An.* 1638.

This ſtep being made King *James* advanced towards an Uniformity with *England* in Worſhip and other Ceremonies; moved to it, either that he might thereby make way for the Union of both Kingdoms, which of all things he moſt deſired, or that he might root the ſeeds of Puritaniſm out of *Scotland*. But in this he met greater oppoſition, and all the progreſs he made in it was, that in one Aſſembly it was decreed, there ſhould be a Liturgy drawn for the uſe of the Church of *Scotland*; and in another at *Perth* the Five Articles, that bore the name of that place, were ſettled not without great contradiction: and theſe were the *Confirmation of Children, Private Baptiſm, Private Communion in caſes of neceſſity, Kneeling in Communicating, the Obſervation of the Holy days of the Nativity, Paſſion, Reſurrection, Aſcenſion, and Pentecoſt*. Thoſe were alſo eſtabliſhed in Parliament, *Anno* 1621. where the Marquis his Father was Commiſſioner, and managed that Affair ſo dexterouſly, that it gained him an equal ſhare of eſteem and hatred, theſe things being generally very odious. As King *James* was going on warily in this deſign, he died, lamented and admired by all the World; and even thoſe who had irritated him moſt when alive, did bewail his Death with deep and juſt regrates. King *James* dies.

He was ſucceeded in his Throne by his onely Son CHARLES the Firſt, who was zealouſly conſcientious for Epiſcopacy; ſo what his Father begun out of Policy, was proſecuted by him out of Conſcience. The Biſhops therefore were cheriſhed by him with all imaginable expreſſions of kindneſs and confidence; but they loſt all their eſteem with the People, and that upon divers accounts. King *Charles* goes on in his deſigns for the Church.

The People of *Scotland* had drunk in a deep prejudice againſt every thing that ſavoured of Popery. This the Biſhops judged was too high, and therefore took all means poſſible to leſſen it, both in Sermons and Diſcourſes, mollifying their Opinions and commending their Perſons, not without ſome reflections on the Reformers. But this was ſo far from gaining their deſign, that it abated nothing of the zeal was againſt Popery, but very much heightned the rage againſt themſelves, as favouring it too much. Prejudices are conceived againſt the Biſhops; they are charged with Popery,

There were alſo ſubtile Queſtions ſtarted ſome years before in *Holland* about Predeſtination and Grace; and *Arminius* his Opinion, as it was condemned in a Synod at *Dort*, ſo was generally ill reported of in all Reformed Churches, and no-where worſe than in *Scotland*: but moſt of the Biſhops, and their Adherents, undertook openly and zealouſly the defence of theſe Tenets. Likewiſe the *Scotiſh* Miniſters and People had ever a great reſpect to the Lords Day, and generally the Morality of it is reckoned an Article of Faith among them: but the Biſhops not onely undertook to beat down this Opinion, but by their Practices expreſſed their neglect of that Day; and after all this they declared themſelves avowed Zealots for the Liturgy and Ceremonies of *England*, which were held by the Zealous of *Scotland* all one with Popery. Upon theſe accounts it was, that they loſt all their eſteem with the People. and Arminianiſm, and breach of Sabbath.

Nei-

An. 1638. Neither ſtood they in better terms with the Nobility, who at that time were as conſiderable as ever *Scotland* ſaw them; and ſo proved both more ſenſible of Injuries, and more capable of reſenting them. They were offended with them, becauſe they ſeemed to have more intereſt with the King than themſelves had, ſo that Favours were mainly diſtributed by their recommendation; they were alſo upon all Affairs, nine of them were Privy Counſellours, divers of them were of the Exchequer, *Spottiſwood* Archbiſhop of S. *Andrews* was made Chancellour, and *Maxwell* Biſhop of *Roſs* was fair for the Treaſury, and engaged in a high rivalry with the Earl of *Traquair*, then Treaſurer, which tended not a little to help forward their Ruine. And beſides this, they began to pretend highly to the Tithes and Impropriations, and had gotten one *Learmonth* a Miniſter preſented Abbot of *Lindoris*, and ſeemed confident to get that State of Abbots, with all the Revenue and Power belonging to it, again reſtored into the hands of Churchmen; deſigning alſo, that according to the firſt Inſtitution of the Colledge of Juſtice, the half of them ſhould be Churchmen. This could not but touch many of the Nobility in the quick, who were too large ſharers in the Patrimony of the Church, not to be very ſenſible of it.

The Nobility became jealous of them.

They were no leſs hateful to the Miniſtry, becauſe of their Pride, which was cried out upon as unſupportable. Great complaints were alſo generally made of Simoniacal pactions with their Servants, which was imputed to the Maſters, as if it had been for their advantage, at leaſt by their allowance. They alſo exacted a new Oath of Intrants, (beſides what was in the Act of Parliament for obedience to their Ordinary) in which they were obliged to obey the Articles of *Perth*, and ſubmit to the Liturgy and Canons. They were alſo making daily Inroads upon their Juriſdiction, of which the Miniſters were very ſenſible; and univerſally their great rigour againſt any that favoured of Puritaniſm, together with their medling in all Secular Affairs, and relinquiſhing their Dioceſes to wait on the Court and Council, made them the object of all mens fury.

Their Presbyters diſlike them.

But that which heightned all to a *Criſis* was, their adviſing the King to introduce ſome Innovations in the Church by his own Authority; things had proſpered ſo ill in General Aſſemblies, that they thought of theſe no more. And in the Parliament 1633, that ſmall addition to the Prerogative, that the King might appoint what Habits he pleaſed to the Clergy, met with vigorous oppoſition, notwithſtanding the King ſeemed much concerned for it; thoſe who oppoſed it being ſharply taken up, and much neglected by His Majeſty, which ſtuck deep in their hearts, the Biſhops bearing all the blame of it.

The Liturgy is appointed for *Scotland*.

At this time a Liturgy was drawn for *Scotland*, or rather the *Engliſh* reprinted with that Title, ſave that it had ſome Alterations which rendred it more invidious and leſs ſatisfactory; and after long conſulting about it and another Book of Canons, they were at length agreed to, that the one ſhould be the form of the *Scotiſh* Worſhip, and the other the Model of their Government, which did totally vary from their former Practices and Conſtitutions: and as if all things had conſpired to carry on their Ruine, the Biſhops not ſatisfied with the general High Commiſſion Court, produced Warrants from the King for ſetting up ſuch Commiſſions in their ſeveral Dioceſes, in which with other Aſſeſſors, Miniſters and Gentlemen, all of their own nomination, they might puniſh offenders.

This

That was put in practice onely by the Biſhop of *Galloway*, who *An.* 1638.
though he was a pious and learned man, yet was fiery and paſſionate, and went ſo roundly to work, that it was cried out upon as a yoke and bondage which the Nation was not able to bear.

And after all this the King (adviſed by the Biſhops) commanded the Service-book to be received through *Scotland*, and to be read according to the new book at *Edinburgh* on Eaſter-day in the year 1637. yet by the Council it was delayed till the 23th of *July*: but then it met with a tumult from Women and the meaner ſort of people, whom though none owned in that Attempt, yet there wanted not enough who ſuſpected them to have been ſet on by others. However certain it was, that the conſtant Diſcourſe of the diſcontented Miniſters and Noblemen was, that Popery was to be introduced, and Liberties like to be deſtroyed, and the Biſhops to blame for all. By ſuch Inſinuations it was, that the People were animated unto an unparallelled Fury, ſo that they threw Stools at the Dean of *Edinburgh* when he begun to read the Service, and interrupted it often, notwithſtanding all the means uſed by the Lords of Council and Magiſtrates of *Edinburgh* to hinder it. The Lords of Council, as they complained to the King of this Diſorder, ſo they ſpared not to lay the greateſt blame of it upon the Biſhops, which appears from the following Letter, written by the Earl of *Traquair* to the Marquis.

A Tumult at reading Divine Service.

My Noble Lord,

Traquair's Letter about the occaſion of the Troubles.

AT the meeting of the Council here at Edinburgh *the 23th of this inſtant, we found ſo much appearance of Trouble and Stir like to be amongſt people of all qualities and degrees, upon the urging of this new Service-book, that we durſt no longer forbear to acquaint His Majeſty therewith, and humbly to repreſent both our Fears, and our opinions how to prevent the Danger; at leaſt our opinions of the way we would wiſh His Majeſty ſhould keep therein, or before he determine what courſe to take for pacifying of the preſent Stir, or eſtabliſhing of the Service-book hereafter; wherein all I will preſume to adde to what the Council hath written, is to intreat your Lordſhip to recommend to His Majeſty, that if he be pleaſed to call to himſelf any of the Clergie, he would make choice of ſome of them, of the wiſeſt and moſt calm Diſpoſitions; for certainly ſome of the leading men amongſt them are ſo violent and forward, and many times without ground or true judgment, that their want of right underſtanding how to compaſs buſineſs of this nature and weight, does often breed us many difficulties, and their raſh and fooliſh Expreſſions, and ſometimes Attempts, both in private and publick, have bred ſuch a Fear and Jealouſie in the hearts of many, that I am confident, if His Majeſty were rightly informed thereof, he would blame them, and juſtly think, that from this and the like proceedings ariſes the ground of many Miſtakes amongſt us. They complain that the former Ages have taken from them many of their Rents, have robb'd them of their Power and Juriſdiction, and even in the Church it ſelf and Form of Gods Worſhip have brought in ſome things that require Reformation: but as the deeds of theſe Times, at leaſt the beginnings thereof, were full of notour and tumultuary diſorder, ſo ſhall I never think it will prove for the good either of Gods Service or the Kings, by the ſame ways or manner of dealing to preſs to rectifie what was then done amiſs. We have a wiſe and judicious Maſter, who will (nor can) urge nothing in this poor Kingdom, which may not be brought to paſs to his contentment: and I am moſt confident,*

if

An. 1638. *if he ſhall be graciouſly pleaſed to hear his faithful Servants inform him of the Truth, he ſhall direct that which is juſt and right; and with the ſame aſſurance I dare promiſe him Obedience. The intereſt your Lordſhip has in this poor Kingdom, but more particularly the Duty you owe to His Majeſty, and the true reſpect I know you have ever carried to His Majeſties Honour, and the good of his Service, makes me thus bold to acquaint your Lordſhip with this buſineſs, which in good faith is by the folly and miſgovernment of ſome of our Clergie-men come to that height, that the like has not been ſeen in this Kingdom of a long time. But I hope your Lordſhip will take in good part my true meaning, and ever conſtruct favourably the actions of*

Edinburgh, Aug. 27.

Your loving faithful Friend, and humble Servant,

TRAQUAIR.

After all inquiry was made, it did not at all appear that any above the meaner ſort were acceſſory to that Tumult, the ſequel whereof in the Afternoon had almoſt been Tragical, not onely to the Biſhop of *Edinburgh*, but to the Earl of *Roxburgh*, for having him in his Coach. But His Majeſty, though he was willing to be gentle to the Tranſgreſſours, yet continued firm to his former Reſolutions, of having the Liturgy and Book of Canons eſtabliſhed. In *October* thereafter a new Tumult fell out in *Edinburgh*, againſt the Earl of *Traquair* and ſome of the Biſhops, whom the People in their fury went about to have killed: upon which by Proclamation the Council and Seſſion, and other Courts, were removed from *Edinburgh*.

Hereupon the Earl of *Roxburgh*, who was then Lord Privy-Seal, went to Court, to give the King an account of Affairs: for all this time divers had petitioned the Council againſt theſe Books, complaining, they were contrary to Religion in the matter of them, and the Laws of the Land in the manner of bringing them in: but all he could procure was a Pardon for what was paſt, to ſuch as ſhould thenceforth live quietly, and that was proclaimed in *December*, but was far from giving ſatisfaction; for by this time the Malecontents were become conſiderable, and had formed themſelves into a Body.

It was alſo ſtudiouſly infuſed in the minds of all through *Scotland*, that the Biſhops were introducing Popery, that many points of Popery were in theſe Books, and that the whole of them was both ſuperſtitious and illegal. This took mightily with the Vulgar, and the malecontented Miniſters began every-where to talk high in their Pulpits againſt the Biſhops; they alſo formed themſelves into a Body called the *Table*, where there were Deputies from the Shires and Burroughs, and a great many Noblemen and Miniſters.

They pretend the Security of Religion, and ſwear the Covenant.

That which they pretended was the Security of Religion, with the preſerving the Fundamental Laws and Liberties of the Land, the Honour of the King, and the defence of his Authority: and for this end it was judged fit and neceſſary to renew the Covenant made in King *James* his time againſt Popery, and ſigned by that King, with his Council and Family; which, according to the new draught, was made up firſt of King *James* his Covenant, next of a long Narrative of all Acts of Parliament whereby the Reformed Religion was ratified; thirdly, of an Addition

dition, wherein the late Innovations were ſworn againſt, till they were judged in a free General Aſſembly, and declared alſo to be abjured in the old Covenant, as formally as if they had been expreſly named in it: and all ended with a Bond of Defence for adhering to one another, in purſuing the ends of the Covenant. This was no ſooner moved, but the advice took as if it had been an Oracle; ſo the Covenant was ſworn, firſt at *Edinburgh* in the moneth of *February*, and then ſent everywhere through the Country, to get the example of thoſe in *Edinburgh* imitated; which was accordingly done, not without great appearances of Devotion among all ſorts of People, they pretending it was nothing but the preſervation and purity of Religion they aimed at. *An.* 1638.

For the Covenant I judge it needleſs to inſert it here, both becauſe of its length, and that it is in the large *Manifeſto* of the Affairs of this year, publiſhed in His Majeſties Name: and therefore, that Book being both common, and of great Authority, I do not inſert Papers at their length that are to be found there, and ſhall onely adde, that the Originals, and other authentick Juſtifications of that Declaration, are in my hands.

The Seſſion or Term was held that Winter at *Sterlin*, but the Council ſate often at *Dalkeith* within four miles of *Edinburgh*; which being then ſo full of People, it was not judged fit for the Council to withdraw too far from it. Petitions were often offered to the Council, encouraged from the *Table*, full of Complaints againſt the Biſhops and the late Innovations; but they were as often rejected. Upon this the Earl of *Traquair* went to Court, and gave a full account both of the Petitions, the Humours, and the Strength of the Malecontents: and that all was occaſioned by the Biſhops miſgovernment, and by the introducing the lately-authorized Books, with which ſcarce a Member of the Council (the Biſhops onely excepted) was well ſatisfied; neither were all theſe cordially for them, for the Archbiſhop of S. *Andrews* from the beginning had withſtood theſe deſigns, foreſeeing how full of danger the executing of them might prove. The Archbiſhop of *Glaſgow* was worſe pleaſed; but the Biſhops of *Roſs*, *Dumblane*, *Brechin*, and *Galloway*, were the great Advancers of them. *Traquair* repreſented alſo, that the Body of all *Scotland* was ſtaggering, if not wholly alienated, from their Duty to the King, and that nothing could recover them out of this diſtemper, but aſſurances of His Majeſties affection to the Proteſtant Religion, and of his averſion from Popery, together with the laying aſide of theſe Books, at leaſt till better Times. At this time alſo the Covenanting Lords wrote to the Duke of *Lenox*, the Marquis of *Hamilton*, and the Earl of *Morton*, who were then at Court, repreſenting their Grievances, and deſiring they would offer their Petition to His Majeſty, which was humble enough, though full of Complaints againſt theſe Books; deſiring they might be heard to object againſt them, offering under the higheſt pains to prove, they contained things both contrary to Religion and the Laws of the Land.

But all the Earl of *Traquair* ſaid was ſuſpected, his prejudices againſt the Biſhops being known. The oppoſition he had made the Biſhops had rendered him hitherto very Popular in *Scotland*, and there want not grounds to ſuſpect him a ſecret worker in this oppoſition to theſe Books, though he ſeems to have been far from cheriſhing any further deſigns.

An. 1638. All he could procure from the King was a Proclamation, *Giving aſſurance of His Majeſties firmneſs to the Proteſtant Religion, and that great care was uſed in drawing the Liturgie; ſo that not onely it was not contrary to, but would prove a ready mean to preſerve the true Religion already received, and beat down all Superſtition. Withall the King conſidering the diſorderly Conventions had been to form Petitions againſt theſe Books, though they deſerved a high Cenſure; yet His Majeſty willing to impute that rather to a prepoſterous Zeal, than to any Diſloyalty, therefore diſpenſed with them to all ſuch as ſhould thence forth retire, and return to their Obedience, whereupon theſe Conventions were in all time coming diſcharged under pain of Treaſon.*

The King proclaims his firmneſs to the Proteſtant Religion.

The Tumults grow.

This was proclaimed at *Sterlin* the nineteenth of *February*; but was ſo far from giving ſatisfaction, that it proved a *criſis* to greater Confuſion; for it met with a Proteſtation as it was proclaimed, ſent from thoſe of the *Tables*, who notwithſtanding continued to ſit in that *Junto*. An Anſwer alſo came from the Duke of *Lennox*, and the other Lords at Court, directed only to three of the Lords of the Covenant in *Scotland*, the Earls of *Rothes*, *Caſſils*, and *Montroſe*, wherein they wrote, that they had communicated their deſires to His Majeſty, who anſwered, that as hitherto he had received all the Petitions they had offered to the Council; ſo he had conſidered them, and would declare His Royal Intentions about them. The Combuſtions continuing and growing, the Council appointed a ſolemn Meeting to be the firſt of *March* at *Sterlin*, for a full examining of things that they might ſend their joint Advices to Court. This was likewiſe agreed to by the Lord Chancellour, who was then at *Edinburgh*, and undertook for himſelf, and the reſt of the Clergy that were of the Council, to keep that Appointment. The firſt of *March* came, but none of the Clergy kept the day (the Lord Biſhop of *Brechin* only excepted:) an excuſe came from the Lord Chancellour; but the neceſſity of Affairs preſſed the Lords of the Council to go on: they continued four days conſulting and debating about things, but after the third day Biſhop *Brechin* left them, ſeeing in what Determinations they were likely to cloſe. The iſſue of their Conſulting was to ſend Sir *John Hamilton*, the Juſtice-Clerk, to the King with Inſtructions, which follow as they are taken from the Original yet extant.

INSTRUCTIONS *from His* MAJESTIES *Council to the Lord Juſtice-Clerk, whom they have ordained to go to Court for His* MAJESTIES *ſervice.*

Inſtructions to the Juſtice-Clerk, concerning the riſe and remedies of theſe Diſorders.

IN the firſt place you are to receive from the Clerk of the Council all the Acts paſt, ſince our meeting upon the firſt of March *inſtant.*

Item, *You have to repreſent to his Majeſty, That the Dyet of Council was appointed to be ſolemnly kept, by the advice of the Lord Chancellour, and remnant Lords of the Clergy, being at* Edinburgh *for the time, who aſſured us,*

us, that they ſhould keep the Dyet preciſely; but at our meeting at Sterlin, *we* An. 1638.
received a Letter of excuſe from the Lord Chancellour, which forced us to proceed without his Lordſhips preſence, or any others of the Lords of the Clergy, except the Biſhop of Brechin, *who attended us three days, but removed before the cloſing of our Opinions anent the buſineſs.*

Item, *That immediately after we had reſolved to direct you with a Letter of Truſt to His Majeſty, we did ſend our Letter to the Lord Chancellour, acquainting him with our proceedings, and deſiring him to conſider thereof, and if he approved the ſame, to ſign them, and to cauſe the remnant Lords of the Clergy neareſt unto him, and namely the Biſhop of* Brechin, *who was an ear and eye Witneſs to our Conſultations, to ſign the ſame, and by their Letter to His Majeſty to ſignifie their approbation thereof; or if his Lordſhip did find ſome other way more convenient for His Majeſties Honour, and the Peace of the Country, that his Lordſhip by his Letter to the Lord Treaſurer, or Privie-Seal, would acquaint them therewith, to the effect they might convene the Council for conſulting thereabout.*

Item, *That you ſhew His Majeſty, that His Majeſties Council all in one voice finds, that the cauſes of the general Combuſtions in the Country, are the Fears apprehended of Innovation of Religion, and Diſcipline of the Kirk (eſtabliſhed by the Laws of the Kingdom) by occaſion of the Service-Book, Book of Canons, and High-Commiſſion; and from the Introduction thereof, contrary to, or without warrant of the Laws of the Kingdom.*

Item, *You are to repreſent to His Majeſty our humble opinion, That ſeeing as we conceive the Service-Book, Book of Canons, and High-Commiſſion, (as it is ſet down,) are the occaſion of this Combuſtion, and that the Subjects offer themſelves, upon peril of their Lives and Fortunes, to clear that the ſaid Service-Book and others foreſaid, contain divers Points, contrary to the Religion preſently profeſſed, and Laws of the Kingdom, in matter and manner of Introduction; That the Lords think it expedient, that it be repreſented to His Majeſties gracious Conſideration, if His Majeſty may be pleaſed to declare, as an act of his ſingular Juſtice, that he will take trial of His Subjects Grievances, and the reaſons thereof, in His own time, and in His own way, according to the Laws of this Kingdom; and that His Majeſty may be pleaſed gsaciouſly to declare, that in the mean time he will not preſs nor urge His Subjects therewith, notwithſtanding any Act, or Warrant made in the contrary.*

And in caſe His Majeſty ſhall be graciouſly pleaſed to approve of our humble opinions, you are thereafter to repreſent to His Majeſties gracious and wiſe Conſideration, if it ſhall not be fitting to conſult His Majeſties Council, or ſome ſuch of them as He ſhall be pleaſed to call to Himſelf, or allow to be ſent from the Table, *both about the time and way of doing of it.*

And if His Majeſty (as God forbid) ſhall diſlike of what we have conceived moſt conducing to His Majeſties Service, and Peace of the Kingdom, you are to urge by all the arguments you can, that His Majeſty do not determine upon any other courſe, until ſome at leaſt of His Council from this, be heard to give the reaſons of their Opinions; and in this caſe you are likewiſe to repreſent to His Majeſties Conſideration, if it ſhall not be fitting and neceſſary to call for His Informers, together with ſome of His Council, that in His Own preſence, he may hear the Reaſons of both Informations fully debated.

You ſhall likewiſe ſhow His Majeſty, that His Council having taken to their Conſideration, what further was to be done for compoſing and ſettling of

An. 1638. *the present Combustion within the Kingdom, and dissipating of the Convocations and Gatherings within the same, seeing Proclamations are already made and published, discharging all such Convocations and unlawful Meetings, the Lords, after debating, find they can do no further than is already done herein, until His Majesties pleasure be returned to this our humble Remonstrance.*

Signed,

Traquair.	Lauderdale.	Napier.
Roxburgh.	Southesk.	J. Hay.
Winton.	Angus.	Tho. Hope.
Perth.	Lorn.	Ja. Carmichael.
Wigton.	Down.	W. Elphinston.
Kinghorn.	Elphinston.	

These Instructions being afterwards transmitted to the Lords of the Clergy, were returned signed as follows,

St. *Andrews.*	*Tho. Gallovid.*
Da. Edin.	*Wal. Brechinen.*
Jo. Dumblanen.	

This was seconded by a private Letter to the King, signed by *Traquair* and *Roxburgh*, which follows copied from the Original.

A Letter from *Traquair* and *Roxburgh* to the King.

Most Sacred Soveraign,

Although the miserable Estate of this poor Kingdom will be sufficiently understood by Your Majesty from this Gentleman, *Sir* John Hamilton's *Relation; yet we conceive our selves in a special manner bound and obliged to represent what we conceive does so nearly concern Your Majesties Honour and Service; and therefore give us leave truly and faithfully to tell Your Majesty, that since the last Proclamation, the fear of Innovation of Religion is so apprehended by all sorts of Subjects from all corners of this Kingdom, that there is nothing to be seen here but a general Combustion, and all men strengthening themselves by subscribing of Bonds, and by all other means for resisting of that which they seem so much to fear. This is come to such a height, and daily like to encrease more and more, that we see not a probability of Force or Power within this Kingdom to repress this Fury, except Your Majesty may be graciously pleased, by some Act of Your Own, to secure them of that which they seem so much to apprehend, by the inbringing of the Books of Common-Prayer and Canons.*

The way which the Subjects have taken and daily go about in the prosecution of their business is inexcusable, and no ways agreeable to the duty of good Subjects, but Your Majesty is wisely to consider what is the best and safest course for Your Own Honour and Peace of Your Government; and since Religion is pretended to be the cause of all, if it shall not be a safe course to free them at this time of Fears, by which means the wiser sort will be satisfied, and so Your Majesty enabled with less pain or trouble to overtake the Insolencies of any who shall be found to have kicked against Authority.

We are the rather moved at this time to be of this opinion, that having found it the opinion, not only of those to whom Your Majesty wrote in particular,

cular, (except of the Marquis of Huntley, *who as yet is not come from the North:) but of moſt of the Noblemen, and men of reſpect within this Kingdom: we find few or none well-ſatisfied with this buſineſs, or to whom we dare adviſe Your Majeſty to truſt in the proſecution thereof; and if any have, or ſhall inform Your Majeſty to the contrary, give us leave humbly to intreat Your Majeſty, to be pleaſed to call them before Your Self, that in our preſence You may hear the reaſons of both Informations fully debated. So praying God to grant Your Majeſty many happy days, and full contentment in all Your Royal deſigns, we humbly take our leave, and reſt,* An. 1638.

Sterlin March 5. 1638.

Your Majeſties humble Servants, and faithful Subjects,

Traquair.
Roxburgh.

There was alſo (beſides many private Letters recommending this buſineſs) a publick Letter written by the Council to the Marquis, which follows taken from the Original.

A Letter from the Council to the Marquis.

Our very Honourable good Lord,

WE finding the Subjects Fears and Stirs to encreaſe ſince the laſt Proclamation, did appoint by the Lord Chancellour, and other Lords of the Clergy, their Special Advice, a ſolemn Dyet of Council to be kept at Sterlin, *on the firſt of* March, *where the Lord Chancellour, and other Lords of the Clergie, promiſed to be preſent to conſult upon the growth of the publick Evils and Remedies thereof, for His Majeſties Honour and Peace of this Country; but having met at* Sterlin, *we received a Letter of excuſe from the Lord Chancellour, and were forced to proceed without him, and the other Lords of the Clergy; where, after we had ſpent four days in adviſing upon the ſaid Evils and Remedies of them, we reſolved in end to direct Sir* John Hamilton *of* Orbiſton, *one of our number, with a Letter of Truſt from us to His Majeſty, to whom we have imparted our Opinions, and Reaſons of the ſaid publick Ills, and Remedies of the ſame, to be repreſented to His Sacred Majeſty; and becauſe the buſineſs is ſo weighty and important, that in our opinion the Peace of the Country was never in ſo great hazard, we have thought fit to recommend the buſineſs to your Lordſhips conſideration, that after your Lordſhip has heard the Juſtice-Clerk therein, your Lordſhip according to your great intereſt in His Majeſties Honour and Peace of the Kingdom, may concur by your beſt advice and aſſiſtance at His Majeſties hands to bring theſe great and fearful Ills to a happy event. So committing your Lordſhip to the Grace of God, we reſt.*

Sterlin March 5. 1638.

Your Lordſhips very good Friends,

Traquair.	Lauderdale.	Napier.
Roxburgh.	Southesk.	J. Hay.
Winton.	Angus.	Tho. Hope.
Perth.	Lorn.	J. Carmichael.
Wigton.	Down.	W. Elphinſton.
Kinghorn.	Elphinſton.	

The

An. 1638. The Covenanters alſo wrote again to the Scotiſh Lords at Court, deſiring Liberty to ſend up one to repreſent their Grievances; for they doubted the Council did not uſe them well, and one of them wrote very peremptorily to the Marquis, *That they were reſolved rather to hazard the whole Buſineſs, than change a word of their Petitions, and that they would quit their Lives, if they got not granted to them what they deſired.*

The King reſolves to ſend the Marquis Commiſſioner to *Scotland.*

The Juſtice-Clerk being thus inſtructed came to *London*, where, after he had diſcharged himſelf of his Truſt, His Majeſty partly doubting his Council, partly hoping the Authority of a Commiſſioner might qualifie the Peoples fury not a little, reſolved to chuſe one; and about this he made no long Deliberation, but preſently ſet his thoughts on ſending the Marquis to *Scotland* for that Service: and it was the opinion of all, that a fitter choice could not have been made, both becauſe of his Quality and Kindred, as alſo that he was at this time free of all Jealouſies; for his courſe heretofore had been more like a Courtier than a Stateſman, ſo that he was untouched with the ſuſpicions of what had been hitherto done, his Advice having ſcarce ever been called for, ſo he was fitter to treat with that Party; but chiefly his temper was ſo obliging and inſinuative, that none alive was more able to gain people to Reaſon, and to manage their Spirits than he was.

It is alledged that ſome moved the imploying my Lord *Huntley* for this Service; but no veſtige of ſuch a motion appears; and if it was made, it could not take with the King, who at that time knew not *Huntley* well: and ſince the King deſigned to try all could be effectuated by Treaty, there was not a perſon ſo unfit for it as the Marquis of *Huntley*; for his Family being always odious to that Party, and himſelf all his life ſuſpected of Popery, he had been a very improper perſon to be imployed for drawing thoſe ſiniſtrous Jealouſies out of the Subjects minds: But His Majeſty confiding as well in the Marquis his Abilities, as truſting to his Fidelity, was reſolved on the Choice, and did firſt communicate it to himſelf: he told His Majeſty, *That Life and Fortune, and all he had, he would never ſtick to hazard for his Service; but this Imployment was full of danger, the ſucceſs of it was at leaſt dubious, and he was very much a ſtranger to* Scotiſh *Men and Affairs; and he could not but foreſee, how it ſhould endanger his loſing what next his Salvation he valued moſt, which was His Majeſties Favour; however he was abſolutely at His Majeſties diſpoſal.*

My Lord *Lorn* eldeſt Son to the Earl of *Argyle*, and after him Earl *Traqnair*, and divers of the Nobility, came to Court at this time, who were alſo followed by ſome of the Clergy. The Covenanters made likewiſe a new Addreſs to the *Scotiſh* Lords at Court, full of Complaints of the harſh uſage they had met with from the Council, together with their Grievances; which Paper, with their Letter dated the 28th of *April*, is extant, Signed, *Rothes*, *Caſſils*, and *Montroſe*, conſiſting of Eight *Articles*.

ARTICLES

An. 1638.

ARTICLES *for the preſent Peace of the Kirk and and Kingdom of* Scotland.

IF the Queſtion were about ſuch matters as did come within the compaſs of our own power, we would be aſhamed to be importunate, and ſhould be very eaſily ſatisfied without the ſmalleſt trouble to any; but conſidering that they are the matters of Gods honour, of the Kingdom of Chriſt, and the peace of our Souls, againſt the Myſtery of Iniquity, *which we clearly perceive to have been unceſſantly working in this Land ſince the Reformation, to the ruine of true Religion in the end; it cannot ſtand with our duty to God, to our King, to our Selves and Poſterity, to crave or be content with leſs, than that which the Word of God, and our Confeſſion of Faith doth allow, and which may againſt our Fears eſtabliſh Religion afterwards.*

I. *The diſcharging of the Service-Book, the Book of Canons, and of the late High Commiſſion, may be a part of the ſatisfaction of our humble Supplications, and juſt Complaints, which therefore we ſtill humbly deſire; but that can neither be a perfect Cure of our preſent Evils, nor can it be a Preſervative in time to come.*

II. *When it is conſidered what have been the Troubles and Fears of His Majeſties moſt loyal Subjects from the High Commiſſion, what is the nature and conſtitution of that Judicatory, how prejudicial it proves to the lawful Judicatories of the Kirk and Kingdom, how far it endangers the Conſciences, Liberties, Eſtates and Perſons of all the Lieges, and how eaſily, and far more contentedly all the Subjects may be keeped in order, and obedience to His Majeſties juſt Laws, without any terrour of that kind; we look that His Majeſties Subjects, who have been uſed to obey according to the Laws, ſhall be altogether delivered from the High Commiſſion, as from a yoke and burden, which they feel and fear to be more heavy than they ſhall be ever able to bear.*

III. *Remembring by what wayes the Articles of* Perth *were introduced, how ſtrangely and with what oppoſition they were carried in the Aſſembly, upon what Narrative they were concluded, how the Ratification in Parliament was not deſired by the Kirk, but earneſtly ſupplicated and proteſted againſt, how they have been introductory of the Service-Book, whereof now they are become Members, and in their nature make way for Popery, (whatſoever hath been the intentions of the Urgers;) and withall, what Troubles and Diviſions they have cauſed theſe twenty years in this Kirk and Kingdom, and what Jealouſies between the Kings Majeſty and His Subjects, without any Spiritual profit or edification at all; as we can ſee no reaſon why they ſhould be urged by Authority, ſo can we not find, but we ſhall be more unable to digeſt them than in the beginning, when we had not as yet taſted, and known how bitter and unwholſome they were.*

IV. *The Judgements of the beſt Divines of the Reformed Kirks, and of the moſt Pious and Learned of this Kirk ſince the Reformation, concerning the Civil Places and Offices of Kirkmen, and concerning the Vote of Miniſters in Parliament, have been made known in divers general Aſſemblies; which moved the Aſſemblies of this Kirk, when they could not by their modeſt oppoſition prevail to limit the Miniſters that were to Vote in Parliament, by any particular Cautions agreed upon at firſt, and ordained to be inſerted in the*

Act

An. 1638. *Act of Parliament, and by other Cautions to be made afterward, as the Assembly should find meet and necessary: and therefore, if we will declare our minds, after lamentable experiences of the Evils which were then foreseen, feared, and foretold, we cannot see how Ministers voting in Parliament, absolutely without the limitation of these Cautions, can be thought fit to Vote in the name of the Kirk.*

V. *We have no Grievance more universal, more ordinary, and more pressing, than that worthy men, who have Testimonies of their Learning from Universities, and are tried by the Presbyteries to be qualified for the Work of the Ministery, and for their Life and Gifts earnestly desired by the whole People, are notwithstanding rejected because they cannot be perswaded to Subscribe and Swear such unlawful Articles and Oaths, as have neither warrant of the Acts of the Kirk, nor Laws of the Kingdom, and others of less worth, and ready to Swear for base respects, unworthy to be mentioned, are obtruded upon the People, and admitted to the most eminent Places of the Kirk, and Schools of Divinity, which causes continual Complaints, makes the People run from their own Kirks, refuse to receive the Sacrament at the hands of the Ministers set over them against their hearts, or to render them that Honour which is due from the People to their Pastors, and is a mighty hindrance to the Gospel, to the Souls of the People, and to the Peace of the whole Kirk and Kingdom; all which might be easily helped, by giving place to the* 114 *Act of Parliament,* 1592. *declaring, That God hath given to the Spiritual Office-bearers of the Kirk Collation and Deprivation of Ministers, and ordaining that all Presentations to Benefices be directed to particular Presbyteries in all time coming, with full power to give Collation thereupon, they being the lawful Office-bearers of the Kirk, to whom God hath given that right; which therefore, never was nor can be taken from them, and so conferred upon others, at that they shall be quite secluded therefrom.*

VI. *The lawful and free National Assemblies of this Kirk, warranted by Divine Authority, ratified by Acts of Parliament, keeped in other Reformed Kirks, and in this Kirk since the Reformation, and acknowledged by King* James *to be the most necessary means for preservation of Piety and Union, and for extermination of Heresie and Schism, (who willed therefore, that the Act of Parliament for convening the General Assemblies once in the year should stand in force;) if they were revived, and by His Majesties Authority appointed to be keeped at the ordinary times, and if one at His Majesties first opportunity, and so soon as may be conveniently, should be indicted, Kirkmen might be tried in their Life, Office, or Benefice, and keeped in order without trouble to His Majesty, and without offence to the People, the present Evils might be speedily helped, to His Majesties great honour and content, and to the preservation of the Peace of the Kirk, and these courses might be stopped afterwards: and on the contrary, while Kirkmen escape their due Censure, and matters of the Worship of God are imposed without the consent of the free Assemblies of the Kirk, they will ever be suspected to be unsound and corrupt, as shunning to be tried by the Light, to the continual entertaining of heart-burnings amongst the People, and to the hindrance of that chearfulness of obedience which is due, and from our Hearts we wish may be rendred to the Kings Majesty.*

VII. *If according to the Law of Nature and Nations, to the Custom of all other Kingdoms, and the laudable example of His Majesties worthy Progenitors, in the like cases of National Grievances, or of Commotions and Fears of a whole body of a Kingdom, His Majesty should be graciously pleased to*

call

call a Parliament, for the timeous hearing and redreſſing of the juſt Grievances of the Subjects, for removing of their common Fears, and for renewing and eſtabliſhing ſuch Laws, as in time coming may prevent the one and the other, and may ſerve to the good of the Kirk and the Kingdom, that the Peace of both might be firmly ſettled, and mens minds now ſo awakened might be eaſily pacified; and all our Tongues and Pens are not able to repreſent, what would be the joyful Acclamations, and hearty Wiſhes of ſo loyal and loving a People, for His Majeſties Happineſs, and how heartily bent all ſorts would be found to beſtow their Fortunes and Lives in His Majeſties Service. An. 1638.

VIII. *The more particular Notes of all things expedient for the well of the Kirk and Kingdom, for His Majeſties honour and ſatisfaction, and for extinguiſhing of the preſent Combuſtion, may be given in to be conſidered in the Aſſembly and Parliament.*

Thoſe Biſhops who ſtayed in *Scotland* ſent up alſo one *Learmonth* to the Archbiſhop of Saint *Andrews* then at *London*, with their Complaints and Grievances, which are alſo ſet down according to the Original.

ARTICLES *of Information to Mr.* Andrew Learmonth, *for my Lord Archbiſhop of Saint* Andrews, *the Biſhop of* Roſs, *&c. and in their abſence, for my Lord Archbiſhop of* Canterbury *his Grace.*

I. The Complaints of the Clergy.

YOu ſhall ſhow their Lordſhips, *How they have changed the Moderator of the Presbytery of* Edinburgh, *and are going on in changing all the Moderators in the Kingdom.*

II. *How they have abuſed Doctor* Ogſtone *the ninth of* May *in* Edinburgh, *Mr.* George Hannay *at* Torphichen *the ſixth of* May, *Doctor* Lamond *at* Markinch *the ninth of* May, *Mr.* Robert Edward *at* Kirkmichael, *whom* Kilkerrin *is forced to entertain at his own Houſe.*

III. *That the Presbytery of* Hadingtown *have given Impoſition of Hands to Mr.* John Ker's *Son, to be his Collegue, without the knowledge of the Biſhop; and likewiſe the Presbytery of* Kircaldy *to Mr.* John Gilleſpy's *Son, to the Church of the* Weemes; *and the Presbytery of* Dumfrice; *to one Mr.* John Wier, *to the Church of* Morton *within two miles of* Drumlanerick; *and that they of* Dumfermline *have admitted Mr.* Samuel Row (*a Miniſter baniſhed from* Ireland) *to be helper to Mr.* Henry Mackgill; *and they of* Air *Mr.* Robert Blair, *to be helper to Mr.* William Annand; *and that the Town of* Dumfrice *have made choice of Mr.* James Hamilton *to be their Miniſter; and the Town of* Kirkudbright *one Mr.* John Macklennan, *all of them baniſhed from* Ireland; *and Mr.* Samuel Rutherford *is returned and ſettled in his Place; and they intend to depoſe Mr.* John Trotter, *Miniſter at* Dirleuton; *and how they intended to uſe the Regents.*

IV. *That the Council of* Edinburgh *have made choice of Mr.* Alexander Henderſon *to be helper to Mr.* Andrew Ramſay, *and intend to admit him without advice or conſent of the Biſhop.*

V. *That the Miniſters of* Edinburgh, *who have not ſubſcribed the Covenant,*

An. 1638. *are daily reviled and curſed to their Faces, and their Stipends are withheld and not payed; and that all Miniſters who have not ſubſcribed are in the ſame caſe and condition with them.*

VI. *That they hound out raſcally Commons on men who have not ſubſcribed the Covenant, as Mr.* Samuel Cockburn *did one* John Shaw *at* Leith.

VII. *That His Majeſty would be pleaſed by his Letters, to diſcharge the Biſhop of* Edinburgh *to pay any Prebend-fee, to thoſe who have ſubſcribed the Covenant; as alſo by His Royal Letters to diſcharge the Lords of Seſſion, to grant any Proceſs againſt the Biſhop for their Fees.*

VIII. *That His Majeſty would be pleaſed in the Articles of Agreement with the Nobility, to ſee honeſt men, who ſhall happen in this tumultuous time to be depoſed from their Places, reſtored and ſettled in them, and others that are violently thruſt in, removed; and that the wrongs done to them be repaired.*

IX. *That if it ſhall happen His Majeſty to take any violent courſe for repreſſing theſe Tumults and Diſorders, (which God forbid) that in that caſe their Lordſhips would be pleaſed to ſupplicate His Majeſty, that ſome ſpeedy courſe may be taken for ſecuring of the perſons of theſe honeſt men, who ſtand for God and His Majeſty.*

Signed,

Da. Edin.	Ja. Hannay.
Ja. Dumblanen.	Da. Michell.
Ja. Liſmoren.	Da. Fletcher.

The King reſolves to gain his Subjects by redreſſing their Grievances.

All theſe matters being conſidered, though there were grounds enough to have provoked a leſs Gracious Prince to have proceeded againſt the Covenanters by the extreme courſe of Rigour and Authority, and there were ſome who adviſed him to it; yet ſuch was his innate love to that His Ancient and Native Kingdom, that he reſolved to leave no mean uneſſayed, before he ſhould proceed to a Rupture with them: He alſo well foreſaw, that it would not prove ſo eaſie a Work, as ſome would have perſwaded him, the greateſt part on the South of *Tay* being confederate, and reſolved to ſtand to their Defence at all hazards; neither was *England* too well fixed in their obedience, as the following Wars did ſadly prove, and ſo there were ſmall grounds to expect any heartineſs from them for ſuch a Work.

and calls the Biſhops to his Cloſet.

All this being weighed, His Majeſty called to His Cloſet the Archbiſhops of *Canterbury* and St. *Andrews*, and the Biſhops of *Galloway*, *Brechin*, and *Roſs*, the Marquis being there before they came, and to all theſe the King declared the choice he had made, and that he intended to ſend the Marquis to *Scotland*, with the Character of *High Commiſſioner*, for eſtabliſhing the Peace of the Country, and the good of the Church. St. *Andrews* ſaid, he approved the Choice, and hoped for good ſucceſs. My Lord of *Canterbury* asked why His Majeſty had called him; the King ſaid, to be a Witneſs of what was done, and becauſe he had been before acquainted with the proceedings of that buſineſs, he was alſo to be informed of what paſſed thereafter. Then the Marquis deſired to know, what the Biſhops expected he could doe; they anſwered, nothing but procure the Peace of the Country, and good of the Church: he deſired they would contribute their aſſiſtance for reclaiming the Miniſtry,

Miniſtery, who were once conformable; and for the Miniſters that were cenſured, but were now ſtirring, he ſhould deal with them. They anſwered, their power was ſmall at that time, and their danger great, and ſo inclined to ſtay ſtill at *London*; but that was overruled, the Marquis undertaking, that ſo far as in him lay he ſhould ſtand betwixt them and danger. The Archbiſhop of *Canterbury* ſaid much and well on this head; ſo it was agreed that they ſhould go home. Next, the King expreſſed, how neceſſary he conceived it was that every one of them ſhould live in their own Dioceſe: *Canterbury* ſeconded this, and the Biſhops acknowledged it was the beſt way. Much was ſaid concerning General Aſſemblies, and that Eccleſiaſtical matters ought to have been introduced by them; and the Marquis was ordered to give aſſurance, that in all time coming nothing ſubſtantial ſhould be introduced in the Church, but by them. Much debate paſſed about the Oath of admiſſion of Miniſters, and it was concluded, it ſhould be no other than what was warranted by the Law; and the Biſhops were required to be ſparing and moderate for the preſent both in urging that, and the Ceremonies. All this His Majeſty concluded with his wiſhes for good ſucceſs, adding, that the Marquis had been ſo far from ſeeking this Imployment, that he had commanded him much againſt his will to undertake the journey. *An.* 1638.

This was in the beginning of *May*, and upon the 7th of *May* Letters were directed to *Scotland*, giving notice of the Reſolutions taken to the Nobility: the Marquis wrote alſo to all his Friends and Dependers to meet him at *Hadington* the 5th of *June*. The next thing that was taken into conſideration was the drawing up of his Inſtructions.

A Commiſſion in the ordinary form being firſt drawn, there were two Proclamations ſigned by the King, both which are extant, the one written with the Earl of *Traquair*'s hand, the other by the Marquis; the firſt whereof follows.

CHARLES R.

CHARLES *by the Grace of God King of* Scotland, England, France and Ireland, *Defender of the Faith, to our Lovits, our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, Greeting.* The Proclamation ſent by the Marquis.

Forſamiekle as We are not ignorant of the great Diſorders which have happened of late within this Our ancient Kingdom of Scotland, *occaſioned (as is pretended) upon the introduction of the Service-book, Book of Canons, and High Commiſſion, thereby fearing Innovations of Religion and Laws; for ſatisfaction of which Fears We well hoped, that the two Proclamations of the eleventh of* December, *and nineteenth of* February, *had been abundantly ſufficient: nevertheleſs finding, that Diſorders have daily ſo increaſed, that a powerful rather than a perſuaſive way might have been juſtly expected from Us; yet We, out of Our innate Indulgence to Our People, grieving to ſee them run themſelves ſo headlong into Ruine, are graciouſly pleaſed to try if by a fair way We can reclaim them from their faults, rather than let them periſh in the ſame. And therefore once for all, We have thought fit to declare, and hereby to aſſure all Our good People, that We neither are, were, nor (by the Grace of God) ever ſhall be ſtained with Popiſh Superſtition, but by the contrary are reſolved to maintain the true Proteſtant Chriſtian Religion, already profeſſed within this Our ancient Kingdom. And for further*

An. 1638. *clearing of Scruples, We do hereby assure all men that We will neither now nor hereafter press the practice of the aforesaid Canons and Service-book; or any thing of that nature, but in such a fair and legal way as shall satisfie all Our loving Subjects, that We neither intend Innovation in Religion or Laws; and for the High Commission, We shall so rectifie it, with the help of advice of Our Privy Council, that it shall never impugn the Laws, nor be a just Grievance to Our Loyal Subjects. And as hereby it may appear how careful We are to satisfie the foresaid Fears (how needless soever) of Our good Subjects* [*]. *So We do hold Our Selves obliged both in Conscience and Honour, to hinder the course of that which may prejudge that Royal Authority, which God has endued Us with; wherefore, understanding that many of Our Subjects have run themselves into seditious and undutiful courses, and willing to reduce them rather by a benign, than forcible mean, (because We hope that most of them are drawn thereto, blindly out of fear of Innovations) are content hereby to declare, and promise upon the Word of a King to pardon what is past, and not to take notice of the by-gone faults, no not so much as of those factious and seditious Bonds, upon condition that they seek to Our Mercy by disclaiming the same, and in testification of the true sense of their Misdemeanors, that they deliver up, or continue with their best endeavours to procure the delivering up, of the said Bonds into the hands of Our Council, or such as Our Council shall appoint: Declaring always, likeas We by these presents do declare, all these to be esteemed and reputed as Traitors in all time coming, that shall not renounce and disclaim the said Bond or Bonds, within after the publication hereof; that is to say, Whosoever will from henceforth be thought a good Subject, and capable of Our Mercy, must either deliver up the same, in case he have it, or concur with his best endeavours to the delivering up thereof, or at least must come to some of Our Privy Council, or chief Officers in Burgh or Land, and testifie to him, that he renounces and disclaims the said Bonds.* Our Will is therefore, *and We charge you straitly and command, that incontinent this Our Letter seen, &c.*

C. R.

The other Proclamation penned by the Marquis agrees with the former to the place that is marked [*]; after which it follows thus.

Another Proclamation. *So We expect that their behaviour will be such, as may give testimony of their Obedience, and how sensible they are of Our Grace and Favour, that thus pass over their Misdemeanours, and by their future carriage make appear, it was onely the fear of Innovations that caused those Disorders that have happened of late in this Our Kingdom, which now cannot but by this Our Declaration be removed from the hearts of Our loving Subjects: but on the contrary, if we find not this performed with that chearfulness and alacrity that becomes good and obedient Subjects, We declare and hold Our Self obliged in Honour and Conscience, to make use of those forcible means which God hath armed Royal Authority with, for the curbing of disobedient and stubborn People.* Our Will therefore is, *and we charge you, &c.*

C. R.

And

And by another Paper His Majeſty left it to the Marquis his choice, whether of the two he ſhould make uſe of, as he found it might tend to His Service; but withall, if he made uſe of the ſecond, and it gave no ſatisfaction, ſo that within 6 Weeks, moſt of the Bonds were not delivered up, upon his deſiring them to doe ſo, then he ſhould publiſh another Proclamation, *Declaring the Covenanters Traitors if within* 5 *days they came not to accept of Mercy, and deliver up the Bonds, if they were in their power.* *An.* 1638.

And ſo a third Declaration penned by the Chancellour was laid aſide, onely it is extant, marked by the Kings Hand on the back, and therefore ſhall be ſet down here.

WHereas we were in hope by Our late Proclamations to have given ſatisfaction to Our People, and to have removed their Miſtakings of the Book of Common-prayer, which We cauſed to be publiſhed, having thereby declared, that it never entred into Our thoughts to make any Innovation in Religion and Form of Gods Worſhip, nay, not to preſs the ſaid Books upon any of Our Subjects, till by a fair way they were induced to approve the ſame; yet having underſtood, that to the contrary (by what means We know not) occaſions have been taken to confirm them in their former Miſtakings, and to bind them by Oaths and Subſcriptions againſt the Laws eſtabliſhed by Our dear Father of bleſſed memory, and ratified by Our Selves ſince Our coming to the Crown: howſoever there is in that more than juſt cauſe offered to take puniſhment of ſuch an open Contempt and Rebellion, yet conſidering that this is not the fault of the ſimple ſort and multitude of People, who have been ſeduced through ſpecious pretexts, as if nothing were contained in the ſaid Bond or Covenant, as they call it, but the promoting of Gods Glory, the maintaining of Our Honour, and Liberty of the Country, with the preſerving of Unity among themſelves, We no way willing to uſe Our People with rigour, or to enquire ſeverely into their errors of that kind, have thought meet to renew Our former Declaration, by aſſuring them, and every one of them, that Our conſtant Reſolution is, and hath been, to maintain the true Religion profeſſed and eſtabliſhed by the Laws of that Our Kingdom, without any Change or Innovation, at the hazard of Our Life and Crown, and that We will not force on Our Subjects either the ſaid Book of Common-prayer, or Book of Canons, till the ſame be duly examined, and they in their Judgments ſatisfied with the legality thereof; nor will We permit the exerciſe of any Commiſſion upon them, for whatſoever cauſe, which may give unto them any juſt cauſe of Grief and Complaint. Willing therefore and requiring all Our People and Subjects to acquieſce to this Our Declaration, and not ſuffer themſelves to be miſled by the private or publick Informations of turbulent ſpirits, as if We did intend any thing contrary to this Our Profeſſion, having always eſteemed it a ſpecial point of Royal Dignity, to profeſs what We intend to doe, and to perform what We do promiſe; certifying all Our good Subjects, who ſhall hereupon reſt quiet in the obedience of God and Us, that We will faithfully perform whatſoever We have declared, whether in this or in Our former Proclamations made to that purpoſe, and be unto them a good and merciful King: as on the other ſide, if any ſhall hereafter make buſineſs, and diſturb the Peace of that Church and Kingdom, by following their private Covenants, and refuſing to be ruled by the Laws eſtabliſhed, that We will uſe the Force and Power, which God hath put into Our hands, for compeſcing and ſubduing ſuch mutinous and diſobedient Rebels. Given at Our Palace of

An. 1638.

This is marked by the Kings Hand;

Declaration made by the Chancellour.

Thus that wiſe Prelat foreſaw well, how it would be eaſier to effectuate all that had been deſigned, than to get that alone of diſclaiming the Covenant brought about; and therefore left that out in his draught of the Declaration. But the King was peremptory, ſaying,

That as long as that Covenant was not paſſed from, He had no more Power than the Duke of Venice.

For the Commiſſioners Inſtructions the Chancellour gave his Advice in writing, which was very cloſely followed. After that many particular Queſtions were given in by the Marquis in writing, for Orders how to carry himſelf whatever might meet him in his Negotiation; to which he got poſitive Anſwers in writing from the King, which are extant: and though the Material points in that Paper be to be found in the Inſtructions, yet this ſeems too conſiderable to be ſuppreſſed; and therefore it is ſet down in the very Form wherein it is in the Original, the Queries being written by the Marquis, and the Anſwers over againſt them by the King.

QUERIES *whereunto Your* MAJESTIES *Direction and Reſolution is humbly prayed, that accordingly I may govern my ſelf, and be warranted for my Proceedings.*

1. *IF before the publiſhing of the Declaration ſome of the chiefeſt of the Petitioners may not be prepared, and laboured to conceive aright of the ſame, and in general acquainted with Your Majeſties gracious Intentions?* — They may.

2. *Where the firſt meeting of the Council ſhall be?* — Where you ſhall find moſt convenient, the City of *Edinburgh* only excepted.

3. *If Your Majeſty will not permit the Council to ſit, where, and in ſuch places as is conceived, may tend moſt for the advancement of Your Service?* — Yes.

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4. *If the Declaration ſhall not be read to the Council, and they required to ſign the ſame?* — By all means.

5. *If we ſhall not all ſwear to give our beſt aſſiſtance for the putting the ſame in due execution?* — Yes.

6. *If any Councellour refuſe to doe it, what courſe ſhall be taken with him?* — Diſmiſs him the Council.

7. *If Acts of Council are not to be made, finding that this Declaration ought to free us of the fears of Innovations either of Religion or Laws?*
8. *If all Councellours are not to be warned to give their attendance till the buſineſs be ſettled?* — Yes.

9. *If upon the publication of this Declaration there be Proteſtations made, what courſe ſhall be taken?* — The Proteſters muſt be proclaimed Rebels.

10. *If no Proteſtations but Petitions of new be preſented, either demanding further ſatisfaction, or adhering to their former, what Anſwer ſhall be made, or what courſe taken?* — *Ut ſuprà.*

11. *If they remain ſtill in a Body at* Edinburgh *or elſewhere, after the Declaration, what courſe ſhall be taken?* — You muſt raiſe what Force you may to treat them as Rebels.

12. *If they ſhould petition againſt the High Commiſſion itſelf, as not to be introduced without an Act of Parliament, what Anſwer ſhall be given?* — That they muſt be content with My Declaration in that point.

13. *If againſt the matter contained therein, it is then deſired that thoſe particulars may be expreſſed that will not be yielded to.* — The ſettling thereof according to My Declaration will anſwer this.

14. *If it be preſſed that what is now concluded, concerning the High Commiſſion be ratified in the next Parliament, what Anſwer ſhall be given?* — If I may be ſure that a Parliament will doe it, I ſhall be content.

15. *If*

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15. *If they Petition for a Convention, what Answer shall be given?* — No Petition must be admitted till the Bond be broken; if after, you may grant it, leaving the time to Me.

16. *If they petition for a General Assembly, that it may be once in the year, what Answer shall be given?* — I will not be tied, but as I shall find cause.

17. *If they petition that the Ministers Oath may be no other than that which the Act of Parliament doth order them to take, what Answer shall be given?* — I and the Bishops will consider of it.

18. *If they petition that the Five Articles of* Perth *may be held as indifferent, what Answer shall be given?* — I will hear of no Petition against an Act of Parliament.

19. *If the Town of* Edinburgh *may not be dealt with apart to petition for Your Majesties Favour, and if they desire that the Council, Exchequer, and Session may be returned them, what Answer shall be given?* — Upon their full submission, and renouncing of the Bond, they may have their desires.

20. *If the like course may not be taken with some other principal Burghs?* — As before.

21. *If to gain some leading men from the Party, marks of Your Majesties Favour may not be hoped for?* — To some, I; to some, No.

22. *If particular men desire either Acts of Council, or Pardons under the Great Seal, what shall be done?* — Grant their desires.

23. *What Service shall be used in the Chappel Royal?* — The English.

24. *If the Lords of Council and Session, shall at that time be pressed to receive Kneeling?* — This is no time for a Communion, but when there is they must kneel.

25. *If thought fit, what shall be done to them that refuse?* — Advise of it.

26. *How*

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26. *If all Acts of Council, that have injoyned the use of the Service-Book, Book of Canons, are not to be suspended, and declared of no force in time coming?* — Yes.

27. *How far Your Majesty will warrant me to declare Your Pleasure to the Lords of the Clergy, concerning their living within their Dioceſſes?* — I shall do it My Self, but you may tell any of it.

28. *How far I may declare Your willingness to give ear to and receive the private Complaints of Your Subjects in general, and in particular against any of the Bishops?* — Refuse none.

29. *If those Ministers (who have been by the Multitude displaced) are not again to be established?* — They must.

30. *If in the Abbey-Church the use of the Organs shall be presently enjoyned?* — Yes.

31. *If those Ministers formerly silenced may not for a time be connived at, and permitted to preach?* — If they preach not Sedition.

32. *If Your Majesty aim at more for the present, than establishing the Peace of the Country?* — No more for the present.

33. *If more, it is humbly desired, Your Majesty may be pleased to express it?* — When time shall be fit.

In execution of all which, or what else Your Majesty shall think fit to command, it is most humbly desired, that I may be so warranted, that the labouring to put them in execution may not turn to my Ruine, nor hazard the losing of Your Majesties Favour, dearer to me than life? — You shall.

The whole Instructions were signed the 16th of *May*, which follow taken from the Original.

An. 1638.

CHARLES R.

I. *BEfore you publiſh the Declaration which We have ſigned, you ſhall require all the Council to ſign it, and if you find that it may conduce to Our Service, you ſhall make all the Council ſwear to give their beſt aſſiſtance in the execution of the ſame: but this of putting them to their Oaths, We leave to your diſcretion, to doe as you ſhall find occaſion; but if you ſhall find it fit to put them to their Oaths, thoſe that refuſe muſt be diſmiſſed the Council, till Our further Pleaſure be known.*

II. *We give you power to cauſe the Council to ſit in whatſoever place you ſhall find moſt convenient for Our Service,* Edinburgh *onely excepted, and to change the Meeting thereof as often as occaſion ſhall require.*

III. *You may labour to prepare any of the refractory perſons to conceive aright of Our Declaration before it be publiſhed, ſo that it be privately and underhand.*

IV. *You are to get an Act of Council to paſs, to declare, that this Declaration of Ours ought to free all honeſt Subjects from the fears of Innovations of Religion or Laws: but this you are not to propoſe publickly except you be ſure to carry it.*

V. *If any Proteſtation be made againſt Our Declaration, the Proteſters muſt be reputed Rebels, and you are to labour to apprehend the chiefeſt of them.*

VI. *If Petitions be preſented to demand further ſatisfaction than that We have already given by Our Declaration, you are to receive them, and to give them a bold Negative, both in reſpect of the Matter and the Form, as being preſented from a Body which you are no ways to acknowledge.*

VII. *If it ſhould be objected againſt the High Commiſſion, that it ought not to be introduced but by Act of Parliament: your Anſwer muſt be, that We found it left Us by Our Father, and therefore We mean to continue it, having firſt regulated it in ſuch a way, that it ſhall be no juſt Grievance to Our Subjects, or againſt Our Laws; and when there is a Parliament, We ſhall be content that it be ratified as We ſhall now rectifie it.*

VIII. *If after the limited time in Our Declaration a Body remain at* Edinburgh, *or elſewhere, you muſt raiſe what Force you can to diſſipate, and bring them under Our Obedience.*

IX. *As ſoon as the Peace of the Country will permit, you are to call a General Aſſembly for ſettling of a conſtant and decent way for Gods Worſhip; We having reſolved to call them, or to permit them to be as often as occaſion ſhall require; We likewiſe intending to have a Parliament, to ratifie what ſhall be condeſcended on at the Aſſembly.*

X. *You may ſay, the Biſhops ſhall impoſe no other Oath upon Miniſters at their Admiſſion, but what is warranted by Act of Parliament.*

XI. *You are to give direction that the ſame Service be uſed in Our Chapel Royal, that was before the enjoyning of the Service-book.*

XII. *You muſt admit of no Petition againſt the* 5 *Articles of* Perth, *but for the preſent you are not to preſs the exact execution of them.*

XIII. *Whenever the Town of* Edinburgh *ſhall depart from the Covenant, and petition for Our Favour, We will that you bring back the Council and Seſſion to it.*

XIV. *You ſhall deny no Pardons nor Acts of Council to any particular perſons that ſhall deſire the ſame for their ſecurity.*

XV. *Some marks of Favour We may be moved to give to particular perſons that may deſerve the ſame.*

All

All Acts of Council that enjoyn the use of the new Service-book are to be sus- An. 1638.
pended, and to be of no force hereafter.

You shall declare Our pleasure to Our two Archbishops, (as soon as the Coun- XVI.
try is any way settled) that it is Our Pleasure, that every Bishop shall live with- XVII.
in his own Dioceſs, except upon his own urgent occasions, or that he be com-
manded from Us, or the Council, to attend there for Our Service, which I intend
as seldom as may be.

You shall refuse Complaints against no man in particular, whether Officers XVIII.
of State, Councellours, or Bishops, so that it be against their Persons and not
their Places.

All those Ministers who have been displaced by the seditious Multitude, are XIX.
to be (so soon as conveniently may be) repossessed again as they were.

As for silenced Ministers, you may connive at their Preaching, if you find it XX.
may tend to the quieting of the Country.

For the Organs in the Abby-Church, We leave them to your discretion when XXI.
to be used, and to advertise Me of your opinion.

You are to cause insert 6 Weeks in Our Declaration for the delivery up of XXII.
the Covenant, and if you find cause, less.

You shall declare, that if there be not sufficient Strength within the King- XXIII.
dom to force the refractory to Obedience, Power shall come from England, *and*
that My Self will come in Person with them, being resolved to hazard My Life
rather than to suffer Authority to be contemned.

If you shall find cause, you are to raise a Guard of 200 *or more to attend Our* XXIV.
Council.

You may treat with the Earl of Marr *for the keeping of Our Castles of* Edin- XXV.
burgh *and* Sterlin, *and for the present he must be charged with their safe*
Custody.

You shall take seriously into consideration the Copper-coyn, and declare Our XXVI.
willingness to remedy the Evils that have risen thereby; or what else the Sub-
jects may justly complain of.

You may declare, that as We never intended to assume the Nominating the XXVII.
Provost of Our Town of Edinburgh, *so We mean not by Our too frequent Let-*
ters to hinder the free Election of their own Officers.

You may likewise declare, (if you find cause) that as We never did, so by Gods XXVIII.
Grace We never will stop the course of Justice by any private directions of
Ours; but will leave Our Lords of Session, and other Judges, to administer
Justice as they will be answerable to God and Us.

If you cannot by the means prescribed by Us bring back the refractory and se-
ditious to due Obedience, We do not onely give you Authority, but command all
hostile Acts whatsoever to be used against them, they having deserved to be used
no other way by Us, but as a Rebellious People; for the doing whereof We
will not onely save you harmless, but account it as acceptable Service done Us.

Such of these Instructions, as you shall find cause, We give you leave to di-
vulge and make use of as you find Our Service shall require.

At Whitehall the 16th May, 1638. C. R.

All things being thus expeded, he took leave a few days after, His Majesty having ordered him to write often to himself, and to my Lord of *Canterbury*, he being the onely *English* person trusted with the secrets of that business. The Earl of *Sterlin* was then Secretary of State for *Scot-* The Marquis goes for *Scotland*,

An. 1638. *Scotland*; but as the Copper-coyn made him at that time odious there, ſo he was little eſteemed in the Court, and not at all imployed in Affairs, except in matters of courſe. Sir *Henry Vane* and the Marquis had contracted a Friendſhip in the *Swediſh* Camp, and ſo did keep a Correſpondence; yet that was moſt about accounts of the poſture the King was in in *England*, and what he could do by Force if Treaty could not prevail. But with my Lord of *Canterbury* he kept a conſtant and free Intercourſe; and whatever that Archbiſhop might have been formerly in *Scotiſh* Affairs, being abuſed by perſons who did not truly repreſent them to him, he was certainly a good Inſtrument this year, which appears from his Letters to the Marquis, with the Copies of his Returns, which are extant.

where there were great Jealouſies of him.

My Lord Commiſſioner begun his Journey about the end of *May*, and on his way he met Letters from *Scotland*, telling him that great Jealouſies were raiſed and vented upon his advertiſing ſo many to meet him, as if he had ſome ſtrange deſign; and that his Vaſſals in *Cliddiſdale* were under high pains diſcharged, to come and pay the duty they owed the Kings Commiſſioner and their own Superiour. On the third of *June* he came to *Berwick*, and there the Earl of *Roxburgh* met him, who told him in what fury all People were, and how ſmall hopes there remained of prevailing upon the grounds he was to go on; he anſwered he was reſolved to follow his Inſtructions, and be at his hazard. Next day the Earl of *Lauderdale*, with my Lord *Lindſay*, came to him; and from the later he learned, that they would never give up the Covenant, that they would have the five Articles of *Perth* aboliſhed, Epiſcopacy limited, ſo that it ſhould be little more than a Name: and if theſe things were not granted them, and a General Aſſembly and Parliament not called quickly, they would call them themſelves, before the great Crouds at *Edinburgh* were ſcattered.

There was alſo no ſmall Diſorder in *Edinburgh* at this time, for they had notice that there was a Ship in the Road loaded with Arms and Ammunition; from which they took the Alarm, having it repreſented much beyond the truth, 200 Muſquets and as many Pikes, with a ſmall quantity of Powder, being all the Arms that were in the Ship. They reſolved to go out the next day, and ſeize the Ship, which had been eaſily done, it being onely a Merchant-Veſſel; but the Earl of *Traquair* apprehending the hazard, cauſed all the Arms to be ſent down in a Boat that night to *Fiſher-raw*, and got Carts, and preſently tranſported them to *Dalkeith*, which was then the Kings Houſe. This enraged the Covenanters, when known by them next day; and ſome of the more forward moved that they ſhould preſently go to *Dalkeith*, and take them out by force; but the wiſer of them ſtopped this: yet they ſet ſure Guards around the Caſtle of *Edinburgh*, and at all the Ports of the City, that none of them might be carried thither. This meeting with the Marquis his coming down, was made uſe of by the Incendiaries to perſuade the People, that he deſigned miſchief by theſe Arms; and by the Advertiſements he had formerly given: another helliſh report was alſo ſpread, that he deſigned to call a Meeting of the chief Covenanters of all Ranks to *Dalkeith*, and there to blow them up; whereupon they reſolved not to go out, nor treat with him there at all. All this was done to irritate the People into a prejudice againſt him, of which he gave Advertiſements to the King, and held on his Journey.

The

The firſt thing he did was to inform himſelf exactly of all Matters and Perſons, that he might accordingly apply himſelf to his buſineſs; but he found things in a greater diſorder than he could have imagined. Almoſt the whole Council did favour the Covenant, and the Biſhops were hated by all, ſo that there were few or none whom he durſt truſt: the Earls of *Traquair*, *Roxburgh*, and *Southesk*, were the men he found beſt affected, yet even their Limitations vexed him. *An.* 1638. He finds the Country in a very ill poſture.

My Lord *Lorn*, who about the end of the year by his Fathers death was Earl of *Argyle*, ſeemed to go on with the Kings Service; but he was ſuſpected both by the King and the Marquis to favour the Covenant. In a word, thoſe of the Council who were beſt ſet were yet overawed by the fury and threats of the other Party. The Marquis of *Huntley* was forward in His Majeſties Service, but the Marquis was obliged to ſend him North, to keep that Country (which was yet peaceable) in order. Many Lawyers were of the Covenanters ſide, and chiefly the Kings Advocate Sir *Tho. Hope*, which was one of the greateſt troubles the Marquis met with; for he being a ſtranger to the *Scotiſh* Law, (in which the other was skilled as much as ever any was) was often at a great loſs; for he durſt adviſe with him in nothing, and often the Kings Advocate alledged Law at the Council-Board againſt what he was preſſing. Of this he complained frequently to the King, and intended to have diſcharged him the Council; but he durſt ſcarce adventure on it, leſt others ſhould have removed with him. He tried what he could doe to get ſome Lawyers to declare the Covenant to be againſt Law; but that was not to be done. Sir *Lewis Stewart* promiſed private aſſiſtance, but ſaid, that if he appeared in publick in that matter, he was ruined. Sir *Thomas Nicolſon*, who was the only man fit to be ſet up againſt the Kings Advocate, though he had never all his life before pretended to a nicety in theſe matters, yet begun now to alledge Scruples of Conſcience.

Next to this the Marquis dealt with the Covenanters, who were chiefly the Earls of *Rothes*, *Caſſils*, *Montroſe*, *Lowdon*, *Lothian*, my Lords of *Lindſay*, *Yeſter*, *Balmerino*, and *Cranſton*; theſe were the chief Contrivers and Actors, though they had many followers and abettors of all Qualities. With theſe he dealt by all means poſſible; but neither could Reaſon convince them, nor Aſſurance ſatisfie them, nor Promiſes or Cajolery prevail with them, nor Threats overrule them.

He quickly ſaw that nothing could be obtained from the Covenanters by way of Treaty; and therefore before he left *Berwick*, he adverti ſed the King to prepare himſelf for teaching them their Duty by Authority, ſince milder ways were like to prove ineffectual. He alſo found the Country very deſtitute of Arms, and that the Covenanters were beginning to give order for furniſhing themſelves from ſeveral places; of which he alſo advertiſed the King, deſiring him to ſend in all haſte Expreſſes to his Agents in *Holland*, *Hamburgh*, *Denmark*, *Sweden*, and *Poland*, to ſtop any Arms might be bought up by *Scotiſh* men. He puts the King on his guard to look for miſchief from the Covenanters,

At firſt when the Marquis came to *Dalkeith*, he heard that 1500 men were ſet to guard the Ports of *Edinburgh*, and that they of the *Tables* had taken the Keys of the City from the Magiſtrates, and had ſome thoughts of ſecuring the Caſtle of *Edinburgh*; which had been eaſily done if attempted, there being neither Arms nor Ammunition within it. But the wiſer of them thought it fitter onely to ſet Guards about it, by which it was rendred uſeleſs, rather than make ſo haſty a Rupture; and who fortifie themſelves and are inſolent.

the

An. 1638. the more violent threatned they would force both Commiſſioner, Council, and Seſſion, to take the Covenant. All this the Marquis heard, but he might well regrate it, but had no power to curb it; for they were reſolved to hear of no Proclamation, unleſs with the diſcharge of the Service-book and Book of Canons; the Articles of *Perth* were alſo promiſed to be abrogated, Epiſcopacy promiſed to be limited, and an Aſſembly and Parliament preſently called. But his Inſtructions being ſo far ſhort of this, he durſt not adventure on publiſhing His Majeſties Declaration, knowing it would meet with a Proteſtation; and as for that part of it which concerned the Covenant, my Lords of *Traquair* and *Roxburgh* told him, he was the ruine of the Country if he did not divide the Declaration, and wholly leave out what concerned the Covenant: this he ſaid he would yield to, and put his Head in the Kings Mercy, if they could aſſure him that thereby matters might be ſettled.

The Marquis gives a clear repreſentation of the ſtate of Affairs.

Of all this he advertiſed the King, and told him he muſt reſolve either to yield to all they demanded, or haſte down his Fleet quickly with 2000 Land-ſouldiers in it, and ſend down Arms to the Northern Counties of *England*; adviſing him alſo to ſend Souldiers for Garriſoning of *Berwick* and *Carliſle*, 1500 for *Berwick*, and 500 for *Carliſle*; and that His Majeſty would reſolve to follow theſe Orders in Perſon with a Royal Army, and there was no doubt of Victory, if the matter were well managed: but he repreſented withall, that His Majeſty would conſider how far in His Wiſdom He would connive at the madneſs of His own poor People, or how far in His Juſtice He would puniſh their folly; aſſuring Him their preſent madneſs was ſuch, that nothing but Force would make them quit their Covenant, and that they would all lay down their Lives ere they would give it up.

He goes to *Edinburgh*.

But that which he applied himſelf firſt to, was the diſperſing of the Multitudes. After he held a Council at *Dalkeith*, where His Commiſſion was onely read and regiſtred, he received Addreſſes from the Town of *Edinburgh*, humbly inviting him to come to *Holyroodhouſe*, which he refuſed, unleſs the extraordinary Guards about their Ports and the Caſtle were diſmiſſed. But this being done, he went thither on the ninth of *June*: they were gueſſed to be about 60000 that met him, the greateſt number that Nation had ſeen together of a great while, among whom there were about 500 Miniſters, and four of the moſt zealous had reſolved to entertain him with Speeches: but this he ſhunned not without great difficulty, ſo earneſt were they to be diſburdened of their Harangues; but they came to him in private, and with great vehemency, not without tears in their eyes, repreſented the danger Religion was in, but kept themſelves within bounds.

and mollifies ſome of the Covenanters.

And now he came to have acceſs to their ears, and this was followed by that which always attended the engaging ſweetneſs of his Converſe, for he began to gain ground on their affections: he ſhewed them how firm the King was to the Proteſtant Religion, and how ready to hazard Life and Crown in the defence of it; that if any error had been committed in the way of introducing the late Books, His Majeſty did more than correct that by His gracious Condeſcenſions; that he was reſolved (as ſoon as the Country was ſettled) to call both an Aſſembly and Parliament, if they themſelves obſtructed it not: but withall he repreſented to them the madneſs of hazarding on a Rupture with the King: they knew

knew it would not be uneaſie to engage *England* againſt them, the Kings Navy was in good caſe, and it would be no trouble to the King to deſtroy their Trade, which would quickly impoveriſh the Country; therefore he deſired they would follow ſuch courſes, as might redeem themſelves and their Country from Ruine and Infamy. This prevailed with divers, and all acknowledged there was that ſtrength of reaſon in his Diſcourſe, that it was not eaſie to reſiſt him long and ſee him much; but there were rough and wild Spirits, who could neither be tamed nor tuned right by it; yet the Multitudes began to diſperſe: but the Covenant was ſo dear to them that it was the endangering of all, to ſpeak of delivering it up. On the 15th of *June* he received the following Anſwer from His Majeſty to the Accounts he had ſent him. *An.* 1638.

Hamilton,

THough I anſwered not yours of the fourth, yet I aſſure you that I have not been idle, ſo that I hope by the next week I ſhall ſend you ſome good aſſurance of the advancing of our Preparations. This ſay not to make you precipitate any thing, (for I like of all you have hitherto done, and even of that which I find you mind to doe;) but to ſhew you that I mean to ſtick to my Grounds, and that I expect not any thing can reduce that People to their Obedience, but onely Force. I thank you for the clearneſs of your Advertiſements, of all which none troubles me ſo much, as (that in a manner) they have poſſeſſed themſelves of the Caſtle of Edinburgh; *and likewiſe I hold* Sterlin *as good as loſt. As for the dividing of my Declaration, I find it moſt fit (in that way you have reſolved it;) to which I ſhall adde, that I am content to forbear the latter part thereof, until you hear my Fleet hath ſet ſail for* Scotland. *In the mean time your care muſt be how to diſſolve the Multitude, and (if it be poſſible) to poſſeſs your ſelf of my Caſtles of* Edinburgh *and* Sterlin, *(which I do not expect.) And to this end I give you leave to flatter them with what hopes you pleaſe, ſo you engage not me againſt my Grounds, (and in particular that you conſent neither to the calling of Parliament nor General Aſſembly, untill the Covenant be diſavowed and given up;) your chief end being now to win time, that they may not commit publick Follies untill I be ready to ſuppreſs them: and ſince it is (as you well obſerve) my own People, which by this means will be for a time ruined, ſo that the loſs muſt be inevitably mine; and this if I could eſchew, (were it not with a greater) were well. But when I conſider, that not onely now my Crown, but my Reputation for ever, lies at ſtake, I muſt rather ſuffer the firſt, that Time will help, than this laſt, which is irreparable. This I have written to no other end, than to ſhew you I will rather die than yield to thoſe impertinent*

and

An. 1638. *and damnable Demands, (as you rightly call them;) for it is all one as to yield to be no King in a very ſhort time. So wiſhing you better ſucceſs than I can expect, I reſt*

Greenwich,
11 June, 1638.

Your aſſured conſtant Friend,

CHARLES R.

POSTSCRIPT.

As the Affairs are now, I do not expect that you ſhould declare the Adherers to the Covenant Traitors, until (as I have already ſaid) you have heard from me that my Fleet hath ſet Sail for Scotland, *though your ſix weeks ſhould be elapſed. In a word, gain time by all the honeſt means you can, without forſaking your Grounds.*

He delays to publiſh the Proclamation to avoid an affront.

But he had taken his Reſolution about this ſet down in the Poſtſcript before he got the Kings Anſwer; for he wrote to the Archbiſhop of *Canterbury* that he was reſolved on it, finding the hazard on the one ſide was a preſent Rupture, which would have been the ruine of the Kings Affairs, and of all his Friends; whereas the hazard of not doing it was onely the cutting off his Head for tranſgreſſing his Inſtructions, which he was willing not onely to endanger, but loſe for the Kings Service. But till the Multitudes were wholly diſperſed, he durſt not hazard on the the publiſhing of the Proclamation, leſt Authority might have met with an affront in it. This was now doing apace, Commiſſioners onely ſtaying in name of the reſt; but all the Miniſters hearing that the Covenant muſt be given up, or no Treaty, made their Pulpits ring with it; and the Marquis was to purpoſe inveighed againſt, ſome not ſparing to ſay that the faggots in Hell were prepared for his reward: but all declared, they would never quit their Covenant, but with their Lives. A Proteſtation was alſo reſolved on, whenever the Declaration ſhould be publiſhed, which made it be delayed a little longer; and it was told him by the Kings Advocate, that a Proteſtation might be legally made, and that it had been done ſo in the year 1621. But for all this things begun to promiſe ſome likelyhood of Settlement, which made him write to the King, not to proceed in his warlike Preparations till things were more deſperate; to which he received the following Anſwer.

Hamilton,

THe dealing with Multitudes makes diverſity of Advertiſement no way ſtrange, and certainly the alteration from worſe to leſs ill cannot be diſpleaſing: wherefore you may be confident, I cannot but approve your Proceedings hitherto, for certainly you have gained a very conſiderable point, in making the heady Multitude begin to diſperſe,

diſperſe, without having engaged me in any unfitting thing. I shall take your advice in ſtaying the publick Preparations for Force; but in a ſilent way (by your leave) I will not leave to prepare, that I may be ready upon the leaſt advertiſement. Now I hope there may be a poſſibility of ſecuring my Caſtles, but I confeſs it muſt be done cloſely and cunningly. One of the chief things you are to labour now, is to get a conſiderable number of Seſſioners and Advocates, to give their opinion that the Covenant is at leaſt againſt Law, if not treaſonable. Thus you have my Approbation in ſeveral ſhapes, therefore you need not doubt but that I am 1 An. 1638.

Theobalds,
13 Jun. 1638.

Your aſſured conſtant Friend,

CHARLES R.

He adviſes the King to bring back the Seſſion to *Edinburgh*.

At this time the Seſſion ſate not, for the Town and Country about *Sterlin* threatned them, ſo that they could not return thither; wherefore the Marquis deſired a Warrant from the King to bring the Seſſion back to *Edinburgh*, both becauſe it was not fit they ſhould be too far from himſelf and the Council, as alſo that many of the Covenanters were broken in their Eſtates, ſo that if Juſtice were patent ſome of the moſt troubleſom of them might be driven away: but chiefly the ſettling them again in *Edinburgh*, looked like a reſolution of going on with a Treaty, of which it was fit they ſhould be perſuaded, till the King were in a good poſture for reducing them. He tried what aſſurance he might have of the Lords of the Seſſion being fixed to their Duty. Divers of them, who were no ill-wiſhers to the Kings Authority, yet durſt not own it, being threatned by the Covenanters; of ſome he had all reaſon to hope well, yet the greater part of that Court, what through fear, what through inclination, was ſo biaſſed, that he ſaw little hope of prevailing with the Colledge of Juſtice, whether Judges or Lawyers, to declare the Covenant ſeditious or treaſonable; and he was ſecure of none who ſate on the Bench, ſave Sir *Robert Spottiſwood* Preſident, Sir *John Hay* Clerk-Regiſter, and Sir *Andrew Fletcher* of *Innerpeffer*, *Halyburton* of *Fotherance*, and one or two more: the firſt of theſe was among the moſt accompliſhed of his Nation, equally ſingular for his Ability and Integrity; but he was the Archbiſhop of S. *Andrews* his Son, and ſo his Deciſion in that would have been of the leſs weight.

The Covenanters preſs ſpeedy ſatisfaction.

On the 16th of *June* the Covenanters came and preſented their Petitions to the Marquis, craving a preſent redreſs of their Grievances, otherwiſe they ſaid they would be put off no longer by delays; and they deſired he would propoſe the matter to the Council, and give them a ſpeedy Anſwer. He told them that His Majeſty did reſolve to call both an Aſſembly and Parliament for the redreſs of all Grievances; but if this was not yet done, they had nothing but the Diſorders of the Country to blame for it, which ſhould be no ſooner compoſed but all their Deſires ſhould be fully examined. They went away no way ſatisfied with this Anſwer; but the Marquis found all the Lords of Council inclined to the granting of what they demanded, ſo that he durſt call no Council

An. 1638. about it, leſt they ſhould have avowedly ſided with the Covenanters: of which he advertiſed His Majeſty, ſhewing him, that perſons of all ranks preſſed him, to repreſent to him that the Covenant was not illegal, and that if His Majeſty would allow of the Explication of the Bond of mutual Defence, which they offered, (that they meant not thereby to derogate any thing from the Kings Authority, for whom they were ready to hazard their Lives,) all might be ſettled without more trouble, either to the King or Country; and that otherwiſe it muſt needs end in Blood. He deſired His Majeſty would conſider well in what forwardneſs his Preparations were, before he hazarded on a Rupture; leſt if they had the ſtart of him, all his faithful Servants in *Scotland* ſhould be ruined ere he could come to their reſcue. *England* wanted not its own Diſcontents, and they in *Scotland* ſeemed confident that they had many good Friends there; *France* had not forgot the Iſle of *Rhea*, and had certainly a hand in cheriſhing thoſe Broils in *Scotland*. He alſo added, the Covenanters reſolution was upon the firſt Rupture to march into *England*, and make that the ſeat of the War. Upon all this he craved His Majeſties Pleaſure, which he would punctually obey; and ended, begging pardon for the fair hopes he had given him in his laſt, proteſting, that his deſire of ſeeing Royal Authority again ſettled, without a bloody Deciſion (for which he was gladly willing to ſacrifice his Life) made him too eaſie ſometimes to believe what he ſo earneſtly deſired.

Many move that an Explanation of the Covenant might be received.

Thus I give the moſt material Heads of the Marquis his Diſpatches to His Majeſty; for though the Originals of them be in my hands, yet they are not inſerted, both becauſe of their being too long and too particular for publick view; as alſo that the ſubſtance of them may be ſeen in the Kings Anſwers, which for many reaſons are ſet down at their full length. But to this I ſhall adde a ſurpriſing thing, that I find the Archbiſhop of S. *Andrews* was for accepting an Explanation of the Covenant, for a draught of it yet remains under his Pen, which follows.

The Archbiſhop of S. *Andrews* his draught of an Explanation.

WE the Noblemen, Barons, Burgeſſes, Miniſters; and others, that have joyned in a late Bond or Covenant for the maintaining of true Religion and purity of Gods Worſhip in this Kingdom, having underſtood that Our Sovereign Lord the Kings Majeſty is with this our doing highly offended, as if we thereby had uſurped His Majeſties Authority, and ſhaken off all Obedience to His Majeſty and to His Laws; for clearing our ſelves of that Imputation do hereby declare, and in the preſence of God Almighty ſolemnly proteſt, that it did never ſo much as enter into our thoughts, to derogate any thing from His Majeſties Power and Authority Royal, or to diſobey and rebell againſt His Majeſties Laws, and that all our Proceedings hitherto by Petitioning, Proteſting, Covenanting, and whatſoever other way, was and is onely for the maintaining of true Religion by us profeſſed, and with expreſs reſervation of our Obedience to His moſt Sacred Majeſty; moſt humbly beſeeching His Majeſty ſo to eſteem and accept of us, that he will be graciouſly pleaſed to call a National Aſſembly and Parliament, for removing the Fears we have not without cauſe (as we think) conceived of introducing in this Church another form of Worſhip than what we have been accuſtomed with, as likewiſe for ſatisfying our juſt Grievances, and the ſettling of a conſtant and ſolid Order to be kept in all time coming, as well in the Civil and Eccleſiaſtical Government: which

which if we ſhall by the interceſſion of Your Grace obtain, we faithfully promiſe (according to our bounden duties) to continue in His Majeſties Obedience, and at our utmoſt powers to procure the ſame during our Lives, and for the ſame to reſt and remain An. 1638.

Your Graces obliged Servants, &c.

His Majeſties Anſwer follows.

Hamilton,

I Do not wonder, though I am very ſorry for your laſt Diſpatch, to which I ſhall anſwer nothing concerning what you have done, or mean to doe, becauſe I have approved all, and ſtill deſire you to believe I do ſo, untill I ſhall contradict it with my own Hand. What now I write is, firſt to ſhew you in what Eſtate I am, and then to have your Advice in ſome things. My Train of Artillery conſiſting of 40 Peece of Ordnance (with the appurtenances) all Drakes, (half and more of which are to be drawn with one or two Horſes apiece) is in good forwardneſs, and I hope will be ready within ſix weeks; for I am ſure there wants neither Money, nor Materials to doe it with. I have taken as good order as I can for the preſent, for ſecuring of Carliſle *and* Berwick; *but of this you ſhall have more certainty by my next. I have ſent for Arms to* Holland, *for* 14000 *Foot and* 2000 *Horſe: for my Ships they are ready, and I have given Order to ſend three for the Coaſt of* Ireland *immediately, under pretence to defend our Fiſhermen. Laſt of all, which is indeed moſt of all, I have conſulted with the Treaſurer and Chancellour of the Exchequer, for Money for this years Expedition; which I eſtimate at two hundred thouſand pounds Sterlin, which they doubt not but to furniſh me; more I have done, but theſe are the chief heads. Now for your Advice, I deſire to know whether you think it fit that I ſhould ſend ſix thouſand Land-men with the Fleet that goes to the* Frith, *or not; for ſince you cannot ſecure me my Caſtle of* Edinburgh, *it is a queſtion whether you can ſecure the landing of thoſe men, and if with them you can make your ſelf Maſter of* Leith, *to fortifie and keep it: of this I deſire you to ſend me your Reſolution with all ſpeed. I leave it to your conſideration, whether you will not think it fit to ſee if you can make all the Guns of the Caſtle of* Edinburgh *unſerviceable for any body, ſince they cannot be uſeful for me. Thus you may ſee, that I intend not to yield to the Demands of thoſe Traitors the Covenanters, who I think will declare themſelves ſo by their Actions, before I ſhall doe it by my Proclamation; which I ſhall not be ſorry for, ſo that it be*

An. 1638. *without the perſonal hurt of you, or any other of my honeſt Servants, or the taking of any* Engliſh *place. This is to ſhew you, that I care not for their affronting or diſobeying my Declaration, ſo that it go not to open miſchief, and that I may have ſome time to end my Preparations. So I reſt*

Greenwich,
20 June, 1638.

Your aſſured conſtant Friend,

CHARLES R.

The Marquis did again ſend a new Diſpatch much of the ſame ſtrain with the former, before he had received this Letter, repreſenting the great hazards he apprehended from a Breach, and that he feared the King would be faintly followed by the *Engliſh*: withall he gave the King a large account of the Explanation was offered to that part of the Covenant, by which they were bound to mutual Defence; to which His Majeſty wrote the following Anſwer.

Hamilton,

I Muſt needs thank you that you ſtand ſo cloſe and conſtantly to my Grounds, and you deſerve the more ſince your fellow-Counſellours do rather diſhearten than help you in this buſineſs; for which I ſwear I pity you much. There be two things in your Letter that require Anſwer, to wit, the Anſwer to their Petition, and concerning the Explanation of their damnable Covenant; for the firſt, the telling you that I have not changed my mind in this particular, is Anſwer ſufficient, ſince it was both foreſeen by me, and fully debated betwixt us two before your down-going; and for the other, I will onely ſay, that ſo long as this Covenant is in force, (whether it be with, or without Explanation) I have no more Power in Scotland *than as a Duke of* Venice; *which I will rather die than ſuffer: yet I commend the giving ear to the Explanation, or any thing elſe to win Time, which now I ſee is one of your chiefeſt cares, wherefore I need not recommend it to you. Another I know is, to ſhew the World clearly, that my taking of Arms is to ſuppreſs Rebellion, and not to impoſe Novelties, but that they are the ſeekers of them; wherefore if upon the publiſhing of my Declaration a Proteſtation ſhould follow, I ſhould think it would rather doe right than wrong to my Cauſe: and for their calling a Parliament or Aſſembly without me, I ſhould not much be ſorry, for it would the more loudly declare them Traitors, and the more juſtifie my Actions; therefore in my mind my Declaration would not be long delayed: but this is a bare Opinion and no Command. Laſtly, my reſolution is to come my ſelf in perſon,*

ac-

accompanied like my ſelf, Sea-forces nor Ireland *ſhall not be forgotten; the particulars of which I leave to the Comptrollers relation, as I do two particulars to the Archbiſhop of* Canterbury, *which you forgot to mention in my Letter: and ſo I reſt* An. 1638.

Greenwich,
25 June, 1638.

Your aſſured conſtant Friend,

CHARLES R.

Upon this the Marquis ſpoke big to them, and threatened to leave the Imployment, and go to Court, but to return to *Scotland* again ſhortly, attending His Majeſty in another poſture. This cooled their Courage a little, for they were not then in a poſture for a Breach; and ſo they ſpoke more mildly, ſaying, That they were ſorry His Majeſty miſtook their good and innocent Intentions, all they deſigned being the preſervation of Religion and Laws, and that if theſe were ſecured, they would demean themſelves in all time coming as good Subjects: he ſaid, If they would all go home to their Houſes, he would beg liberty to wait on His Majeſty with their Deſires, and return them an Anſwer within three weeks or a month. But the true reaſons that moved him to deſire permiſſion to go up, were, that hereby he gained ſo much more time, as alſo he would more fully inform the King of the ſtate of Affairs, and ſee in what forwardneſs the Kings Preparations were; but chiefly, to try what he could prevail about eſtabliſhing the Confeſſion of Faith, which had paſſed in Parliament 1567: for he judged if His Majeſty did ſign and authorize that Confeſſion with a Bond for defending it in ſubordination to the Kings Authority, it might give full ſatisfaction to all, that there ſhould be no Innovation in Religion; at leaſt, the Vulgar, who had been poiſoned with thoſe Fears, might be recovered, a conſiderable party of the Covenanters gained, and His Majeſties Cauſe made more favourable to all the World. This was not to be moved or managed by Letters; therefore he begged permiſſion to wait upon His Majeſty, which the King granted in the following Letter.

The Marquis threatens the Covenanters,

who ſpeak with more ſubmiſſion.

The Marquis asks leave to go to Court,

Hamilton,

YOurs of the 24th (though it be long) requires but a ſhort Anſwer, it being onely to have leave to come up, which is grounded upon ſo good reaſon, that I cannot but grant it. Some Conſiderations in the mean time I think fit to put to you; firſt, to take heed how you engage your ſelf in the way of Mediation to me; for though I would not have you refuſe to bring up to me any Demand of theirs to gain time, yet I would not have you promiſe to mediate for any thing that is againſt my Grounds; for if you do, I muſt either prejudice my ſelf in the granting, or you in denying: then, I would have you take care, that no more Subſcriptions be urged upon any, eſpecially of Council or Seſſion: laſtly, that you leave ſuch encouragement to theſe

and obtains it of His Majeſty.

few,

An. 1638. *few, that have not yet forſaken my Cauſe, that they may be aſſured (as well as I) that your up-coming is neither to deſert them nor it. And thus certainly if (as you write) you get the mutinous Multitude once diſperſed, you will have done me very good Service; for I am confident that my Declaration publiſhed before your coming away, (according to the Alterations that I have given you leave to make) will give ſome ſtop to their Madneſſes: however your endeavours have been ſuch, that you ſhall be welcom to*

Greenwich,
29 June, 1638.

Your aſſured conſtant Friend,

CHARLES R.

The King did alſo ſignifie to him by my Lord of *Canterbury*, that he appointed him to adde to the Declaration ſome general words, giving hopes of an Aſſembly and Parliament, by whom alſo he gave him Warrant for calling the Seſſion to *Edinburgh*.

To this I ſhall adde a Letter of the Biſhop of *Roſs* to the Marquis, which will ſhew what ſenſe the Biſhops had of his Proceedings all this while.

My Lord, may it pleaſe your Grace,

Letter from the Biſhop of *Roſs* to the Marquis.

WE are exceeding ſorry to hear that the ſucceſs of your Lordſhips Travels in this difficult Buſineſs, is otherwayes than good Chriſtians and Subjects do wiſh, and heartily pray for; but on the other part, are glad to hear from our Friends there, that, whereof we were ever confident, that nothing is omitted by your Lordſhip to effectuate what is neceſſary for His Majeſties Honour, and expedient for the good and quiet of that poor diſtracted and diſtempered Kingdom. For my own part give me leave, without either flattery or preſumption, to ſay ingenuouſly, that the Courſe your Lordſhip keeps, ſeemeth to be ſuch as all good and wiſe men muſt approve your Lordſhips wiſdom and Loyalty. Infallibly the fruit will be, beſides the Warrant your Lordſhip hath in your own Conſcience by this Noble and Wiſe carriage, your Lordſhip muſt be more (if any accrewment can be to former Deſerts) beloved of your Maſter: it will indear your Lordſhip more to all good, wiſe, and well-affected Patriots, and oblige all, eſpecially honeſt Church-men, to be your Servants. It cannot ſeem ſtrange to any wiſe heart, who looks on the Diſtemper of that Kingdom, wherein is the concourſe of ſo many different and divers Diſtempers, where ſo many of all ſorts of different Judgements, and no leſs variety of Affections, are ſo ſtrongly engaged, and where many have their own private ends; that the beſt, wiſeſt, and moſt powerful Agents, are not able on a ſudden to rectifie their Judgements, cure their Affections, and by diſappointing the private intentions of ſome, to reduce all to Order, Peace, and Quiet. In any great Work of this ſtrain, we muſt all rely ſomewhat more on the wiſe and gracious Providence of God, than in other ordinary accidents: He is able to work good out of ill, light out of darkneſs, and order out of confuſion, which I pray God heartily, we may ſee to His Glory, the Kings Honour, and Peace of the Church and State, without any other effect upon any author or abetter of theſe Diſorders, but of

Gods

Gods Mercy, and His Majeſties Royal Clemency. In this I fear I have exceeded more, poſſibly, than becomes me with your Grace; but as I humbly beg pardon, ſo I truſt your Lordſhips Goodneſs will eaſily pardon the expreſſions of a poor Heart ſurcharged with grief, not ſo much flowing from, or following the fear of any Perſonal or Private evil can befall it, as fearing the danger the Publick is in, becauſe of our Sins, which are calling for Vengeance. God of his Mercy give us Repentance, and be merciful to that Church and State. An. 1638.

We can return nothing for your Lordſhips care and kindneſs to us but humble and hearty thanks, and earneſtly pray God Almighty for all Honour, Wealth, and Happineſs to your Lordſhip here and hence.

As your Lordſhip hath commanded us we ſhall go from hence, and where we pitch our abode, with the firſt opportunity ſhall acquaint your Lordſhip. We were adviſed by our beſt friends to doe ſo, before we received your Lordſhips; but that Obedience we owe, and promiſed to His Majeſty and your Lordſhip, made us that we would not ſtir for any Advertiſement or Advice, how neceſſary or affectionate ſoever, till we had your Lordſhips Warrant.

All that kind reſpect which is above our deſert and condition, and tender care your Lordſhip hath expreſſed to us, for our ſafety, and that which your Lordſhip hath ſuperadded out of your noble Bounty, deſiring us to be ſo bold as to ſhew your Lordſhip what Money, or any thing elſe neceſſary we ſtand in need of, that your Lordſhip may ſupply our neceſſity in this, hath ſo perplexed us for a time, that we knew not what to chooſe; on the one part being aſhamed to doe it, both becauſe it ſeemeth impertinent, and incongruous to trouble one of your Lordſhips Honour, Place, and Imployment, with matters of this kind, and eſpecially ſo unreaſonably at ſuch a time, when your Lordſhip is at ſuch charge for the Honour of His Majeſties Service; as alſo that we are unprofitable, and cannot be uſeful to your Lordſhip in any kind, and ſo how ſhould we to other troubles we make your Lordſhip, adde this to be chargeable: yet your Lordſhips noble and generous offer, and the neceſſity we are caſt into at this preſent, that what is our own or due to us we cannot command, and know as little who will do us the favour at this time to truſt us, hath made us (ſeeing Obedience is better than Sacrifice) to caſt our ſelves upon your Lordſhips Bounty and Favour; fearing on the one part your Lordſhip may be offended if we doe it not, and on the other, that otherwiſe we cannot be provided: Therefore I humbly intreat your Lordſhip, to let me have with the Bearer a hundred and fifty Pieces, payable at Whitſunday *next with the Intereſt, or* Martinmaſs, *as your Lordſhip pleaſes; for which your Lordſhip ſhall receive from the Bearer my own perſonal Bond. Here and at this time I cannot give better Security, but by Gods Grace your Lordſhip ſhall be in no danger, come the world as it will.*

I have more than need to beg humble pardon for my unmannerly and impertinent importunities, in troubling your Lordſhip at this time, taken up with weighty Affairs, if it were but to read this long Paper; and that I offend no more in this kind, I ſhut up all with my hearty Prayers to God Almighty for all Honour and Happineſs to your Lordſhip, and an effectual bleſſing upon your Travels. So wiſheth he who ſhall be, whileſt he lives,

Berwick,
29 June, 1638.

Your Graces moſt humble and
bounden Servant,

JO. ROSSEN.

The

An. 1638. The Marquis had Orders from His Majeſty to ſee the Biſhops or other Churchmen, who ſuffered for their Duty, relieved out of the Treaſury, but that was exhauſted; yet the Marquis was careful that none of them ſhould want; and therefore ſupplied them liberally out of his own Money, even without taking from them any Legal Security for repayment, as appears by the Accompts of his Truſtees at that time.

The Seſſion ſits again at *Edinburgh*.

Upon the Kings Pleaſure that was ſignified by the Archbiſhop of *Canterbury* the Marquis emitted a Proclamation for the Seſſions ſitting down on the ſecond of *July* at *Edinburgh*, and thither he went that day to intimate to them His Majeſties Goodneſs for them, in not putting them to the trouble and expence of removing their Families elſewhere; wherefore he recommended His Majeſties Service to them, and that if any thing came from the *Tables*, they ſhould not fail to paſs that Cenſure on it which was according to Law. Next he called for the Covenanters Petitions, which he promiſed to preſent to His Majeſty, and return them an Anſwer betwixt that and the fifth of *Auguſt*, with which they were ſatisfied for that time.

The Kings Proclamation is publiſhed, and proteſted againſt.

On the fourth of *July* he held a Council, and preſented the Kings Declaration to the Councellours, and having before-hand prepared moſt of them with a great deal of induſtry, he got it ſigned by them all, & an Act paſſed, that the Subjects ought to reſt ſatisfied with it. It was immediately ſent to the Market-croſs, and proclaimed; but notwithſtanding all the Grace it contained, it met with a Proteſtation from the *Tables*. But upon the back of this the Marquis met with one of the moſt troubleſome paſſages of his whole Negotiation. There were ſome Councellours who were not ſatisfied with the Declaration, and thoſe he got to be abſent from Council that day: but divers of thoſe who had ſigned the Act, (that the Subjects ought to reſt ſatisfied with the Declaration) came afterwards to him, telling him, that he had preſſed them to what they had not well conſidered when they did it, but upon ſecond thoughts they found they had wronged their Conſciences; wherefore they deſired he would call a new Council, that they might retract what they had done. This he ſtudied to divert by all means, repreſenting how contrary it would be to their Honour, and to the Kings Service, and Good of the Country, and ſo he ſhook them off that night: but next day thoſe and many more came to him with the ſame Deſires, and ſay or do what he could, nothing would prevail with them; for they told him plainly, if he called not a Council, they would find another way to make their Retractation well enough known, and that was to ſubſcribe the Covenant. The Marquis having ſpoken with the whole Council apart, found that three parts of four would immediately fall off, if he gave them not ſatisfaction; and judging that ſuch a viſible breach with the Council would ruine the Kings Affairs, therefore ſince the Act was not regiſtred, but onely ſubſcribed, he thought the Courſe that had leaſt danger in it was to tear it before them: by this means he got that ſtorm calmed.

The Council is inconſtant.

The Marquis takes care of the Kings Caſtles.

All this while that he had been in *Scotland* he had not forgot the Kings Orders about his Caſtles. *Dumbriton* was ſecured, though it run a riſque, the Conſtable being at *London*, and the Under-keeper taking the Covenant: but he called home Sir *William Stewart*, who was Conſtable under the Duke of *Lennox*, to wait on his Charge; and this delivered him from that hazard.

As for *Edinburgh*-Caſtle which was then in the Earl of *Marre*'s hand, it coſt

coſt him more trouble. Divers of the Earl of *Marre*'s friends, who had much credit with him, being not well inclined, and much being truſted to the Conſtable, he durſt not in the Kings Name require him to yield it up, leſt that had haſted on a Rupture; and he could not prevail by fairer ways at firſt: but the iſſue of this ſhall be told in its due place. *An.* 1638.

This being done, the Marquis took his Journey, and on the way he had the following Letter from His Majeſty. He takes Journey,

Hamilton,

I Hope that this will find you on the way hitherward; wherefore remitting all buſineſs till I ſpeak with you, theſe Lines are only to hearten you in your Journey, for I think that it will be very much for my Service. So deſiring you to make as much haſte as the weather will permit, I reſt

Greenwich, the 9th July, 1638.

Your aſſured conſtant Friend,

CHARLES R.

POSTSCRIPT.

Forget not to bring with you the Copies of all the Proclamations and Proteſtations that have been made.

When he came to Court he gave the King a full account of all had paſſed in *Scotland*, and of the ſtrength and fury of the Covenanters, together with the inconſtancy of many of the Council, and how His Majeſty had been abuſed in the hopes he was put in of the readineſs of his Preparations in *England*; which I gather from ſome little Notes he took of things, and the Copies of his Letters. and gives the King an account of Affairs;

He next told His Majeſty, that nothing prevailed ſo much on the Vulgar in *Scotland*, as the curſed inſinuations were given of His Majeſties ſtaggering in the Proteſtant Religion; wherefore he propoſed, that His Majeſty might cauſe renew the Confeſſion of Faith, which was eſtabliſhed at the Reformation, and ratified in Parliament, *An.* 1567: and to that His Majeſty did readily conſent.

At length His Majeſty having conſidered for ſome days of the whole Affair, and having fully debated every particular with the Marquis, and my Lord of *Canterbury*, in end His Goodneſs, and Paternal Affection for his poor Subjects, overcame all that Indignation which their Actions had raiſed in him; wherefore he reſolved on enlarging his Inſtructions, which he did as follows.

CHARLES R.

YOU ſhall try by all means to ſee if the Council will ſign the Confeſſion of Faith, eſtabliſhed by Act of Parliament, with the new Bond joyned thereto; but you are not publickly to put it to Voting, except you be ſure to carry it, and thereafter that probably they will ſtand to it. and gets new and fuller Inſtructions.

If the Council do ſign it, though the Covenanters refuſe, you ſhall proceed to the indicting of a free General Aſſembly; and though you cannot procure

An. 1638. *the Council to ſign it, yet you are to proceed to the indicting thereof, if you find that no other Courſe can quiet buſineſs at this time.*

You ſhall labour by all fair means that the ſitting of the Aſſembly be not before the firſt of November, *or longer if you can obtain it: for the place, We are pleaſed to leave it to your election; for the manner of indicting, you muſt be as cautious as you can, and ſtrive to draw it as near as may be to the former Aſſemblies in my Fathers time.*

You muſt labour that Biſhops may have Votes in Aſſemblies, which if you cannot obtain, then you are to proteſt in their Favours in the moſt formal manner you can think of.

As for the Moderator in the Aſſembly, you are to labour that he may be a Biſhop, which though you cannot obtain, yet you muſt give way to their Election.

You are to labour, that the Five Articles of Perth *be held as indifferent; ſtrive that the admiſſions of Miniſters may continue as they are; you may condeſcend, that the Oaths of their Admiſſion be no other than is warranted by Act of Parliament.*

You are, if you find that it may any wiſe conduce to Our Service, to enact and publiſh the Order made at Holyroodhouſe *by Our Council the fifth of* July *laſt, for diſcharging the uſe of the Service-Book, Book of Canons, and the practice of the High Commiſſion.*

You are to proteſt againſt the aboliſhing of Biſhops, and to give way to as few reſtrictions of their power as you can; as for the Biſhops not being capable of Civil Places, you muſt labour what you can to keep them free.

You may give way that they ſhall be accountable to the General Aſſembly, which you ſhall indict at the riſing of this againſt that time twelve month.

As for the Biſhops Precedence, you are not to admit them of the Aſſembly to meddle therewith, it being no point of Religion, and totally in the Crown.

If the Biſhop of St. Andrews, *or any other, be accuſed of any crime, you are to give way to it, ſo they may have a free Trial; and likewiſe the ſame of whatſoever perſon or Officer of State.*

It is left to your diſcretion what courſe Biſhops ſhall take, that are for the preſent out of the Country.

You are to adviſe the Biſhops to forbear ſitting at the Council, till better and more favourable times for them.

Notwithſtanding all theſe Inſtructions abovementioned, or any other accident that may happen (ſtill labouring to keep up Our Honour ſo far as poſſibly you can) you are by no means to permit a preſent Rupture to happen, but to yield any thing though unreaſonable, rather than now to break.

London the 27th July, 1638. C. R.

But with this His Majeſty ordered him to ſee, *That the Country were again ſettled before he indicted the Aſſembly, that the Moderators named by Biſhops in Presbyteries might be again reponed, and according to the Act of the Aſſembly* 1606. *they might be held neceſſary Members of the Aſſembly, that all Miniſters turned out ſince theſe Stirrs began, might be again reſtored, and that all Miniſters admitted without Biſhops might deſiſt from the exerciſe of their Function: That all people might keep their own Churches, and that Biſhops and Miniſters who took not the Covenant, might live quietly without diſturbance, and have their Stipends paid them.* His Majeſty alſo

ſo gave warrant, *That if need required he might call a Parliament againſt* April *next:* and with theſe Inſtructions the King wrote to the Council the following Letter. *An.* 1638.

CHARLES R.

RIght truſty and well-beloved Couſin, Councellour and Commiſſioner, and Right truſty and well-beloved Couſins and Councellours, and truſty and well-beloved Councellours, We Greet you well. The Kings Letter to the Council.

The great Diſtractions which have of late ariſen both in Kirk and Commonwealth, in that Our Ancient Kingdom of Scotland, *have much troubled the minds of many good and loyal Subjects there, and theſe Diſtractions have fallen out among them upon Jealouſies and Fears of Innovation in Religion, and introducing of Popery; and not without ſome Fears conceived amongſt them, as if We Our Self were that way inclined.*

Upon occaſion of theſe Fears they have of late ſigned a Covenant, or Bond for conſerving the Religion eſtabliſhed, and the Laws of the Country: but this Bond being not ſubſcribed by Royal leave and Authority (as was that in Our dear Fathers time) muſt needs be both null in it ſelf, and very prejudicial to the ancient and laudable Government of both Kirk and Commonwealth: which though We muſt declare unto you, yet out of Our inborn Love to that Our Native Country, and Loyal Subjects there, and for the obviating of theſe cauſeleſs Fears, and to ſatisfie your ſelves and all Our loving People, We do hereby under Our hand let you know that We are, and have ever been ſatisfied fully in Our Judgement and Conſcience, both for the Reformed Religion and againſt the Roman; *and that by Gods Grace and Goodneſs, We purpoſe both to live and die in the belief and practice of the Religion now eſtabliſhed, and to preſerve it in full ſtrength, according to the Laws of that Our Kingdom: and to the end that this may appear to Poſterity, how firm and ſettled We are in that Our Religion, We require you Our Commiſſioner and Council to ſee theſe Letters regiſtred according to courſe.*

Given at Our Court at *Oatlands, July* 30. 1638.

His Majeſty ſigned alſo the following Declaration.

CHARLES R.

THE great Diſtractions which of late have riſen both in Kirk and Commonwealth, in this Our ancient Kingdom, have ſo troubled the minds of many of Our good and loyal Subjects there, that they have been poſſeſſed with Fears as if Popery had been intended to have been introduced, and as if We Our Self were that way inclined: upon occaſion of which Fears a Covenant or Bond of late hath been drawn up, intended by the Subſcribers (as doth appear by their Supplication, preſented to Our Commiſſioner the 26th *of* June *laſt) for conſerving the Religion and Laws of the Country; but it not being done by Royal leave and Authority, as was that in Our dear Fathers time, muſt be both null and void of it ſelf, and much prejudicial to the ancient and laudable Government of Kirk and Commonwealth: Therefore We for obviating thoſe Fears, which have been miſconceived, both againſt Our Perſon and Profeſſion, for matters of Religion, and to ſatisfie not Our loving Subjects only, but all the Chriſtian World, that We do, and (by Gods Grace) ever will maintain the true Chriſtian and Reformed Religion, eſta-* and Declaration.

An. 1638. *bliſhed in this Our Kingdom, and to let the World ſee, that this ſhall be done in and with all freedom according to the Laws of Our Country, have ſigned the Confeſſion of Faith, eſtabliſhed by Act of Parliament* An. 1557. *with this Bond following, in defence of it, and Royal Authority, Laws, and Liberties of the Country; and do alſo require the preſent Subſcription of this Confeſſion, and Bond by all Our loving Subjects, that it may remain in force to Poſterity, that they may know how careful We are, and have been to preſerve the integrity of Religion, and the freedom of Our Laws.*

Here the *Confeſſion of Faith* was inſerted, which is to be ſeen in the Acts of Parliament *An.* 1567. and therefore it being of great length, the Reader is referred to the Acts of the Parliaments of *Scotland.*

Thereafter followed this enſuing Bond.

with the Bond to be ſigned. *We and every one of us underwritten do proteſt and ſwear in the preſence of God Almighty, that we are truly and fully reſolved in our Conſciences, that this is the Confeſſion of the true Faith of Chriſt, eſtabliſhed by the Laws of this Country, and that (by the Grace of God) we will profeſs and maintain the ſame all the dayes of our Lives; and becauſe the ſafety of Religion, Kirk, and Commonwealth, depends much upon the comfortable aſſiſtance which all of them daily receive from Royal Juſtice and Authority, we proteſt and promiſe with our Hearts, under the Obligation of the ſame Oath, to defend not only this our Religion, but the Kings Majeſties Sacred Perſon and Authority, as alſo the Laws and Liberties of this our Country under His Majeſties Soveraign Power, with our beſt Counſels, Bodies, Goods, and whole Eſtates, according to the Laws, and againſt all ſorts of perſons, and in all things whatſoever, and likewiſe mutually to defend our ſelves, and one another, in this abovementioned Cauſe under the ſame obligation.*

The Covenanters are very buſie in *Scotland.* But while the Marquis was buſie at Court, procuring this Gracious Anſwer to their Demands, and while His Majeſty was condeſcending to ſuch extraordinary Favours to them, the Covenanters in *Scotland* were going on, poſting up and down the Country for more Subſcriptions to the Covenant: and becauſe the North continued firm to their Duty, ſome Noblemen and Miniſters went thither to draw them to their Party, and on the 23d of *July*, they came to *Aberdeen*, where there was a company of worthy and learned Doctors and Profeſſors. But the Covenanters welcome there was ſo cold, (all the Subſcriptions they got being but 19 or 20; and they were not admitted to preach in the publick Churches, which made them preach in the Court of the Earl *Marſhal's* Lodgings) that they went away full of fury and threats againſt that Place; and this gave the riſe to that Debate which followed betwixt the Doctors of *Aberdeen* and thoſe Miniſters, which the Learned Doctors managed with ſo great advantage, as did not a little confound the whole Party: and the Miniſters being pinched by them about the lawfulneſs of combining without warrant of Authority, alledged, that my Lord Commiſſioner was ſatisfied with the Covenant, upon the offer of that Explication was mentioned formerly. But the falſhood of this Calumny was caſt back on them with ſhame, by him at his return; for as he had never expreſſed any ſatisfaction with their

Debates betwixt the Doctors in *Aberdeen* and them.

Cove-

Covenant, ſo all the ground they had for that, was, becauſe according to the Kings Order he had treated about that Explication to gain time. *An.* 1638.

He brought along with him to *Scotland* Dean *Balcanqual*, a man of great parts, of ſubtil wit, and ſo eloquent a Preacher, that he ſeldom preached in *Scotland* without drawing Tears from the Auditors. Him the Marquis intended to make uſe of, as his Council in Church-affairs, which Truſt he diſcharged faithfully and diligently, and received thoſe Informations which were made publick in the large Declaration penned by him. Doctor *Balcanqual* comes to *Scotland*.

The Marquis came to *Holyroodhouſe* on the tenth of *Auguſt*, and found things in a much worſe poſture than he had left them, and that the Flames were growing almoſt paſt quenching; for at a Convention of Burroughs a few days before, they had enacted, That none might be Magiſtrates, or bear Office in any Burrough, except he had firſt taken the Covenant: and the Covenanters were reſolved, that Biſhops ſhould have no Vote in the Aſſembly, unleſs they were choſen by a Presbytery; and they were ſure that ſhould not be. They were reſolved to aboliſh Epiſcopacy, and to declare it unlawful, and excommunicate, if not all, yet moſt of the Biſhops; they were reſolved to condemn the Articles of *Perth*, and diſcharge Biſhops to Vote in Parliament; they were alſo reſolved, to ordain all under pain of Excommunication to ſign the Covenant; and to ſhew they meant to break out into Hoſtility, they were beginning to levy men in ſeveral places. But to make ſure work of the Aſſembly, they fell on a new device of Lay-elders to be choſen Commiſſioners, who ſhould be men of the greateſt power and intereſt, whereby they doubted not to carry all things; and becauſe in a Meeting at *Edinburgh* of Miniſters being 120 in number, about four parts of five were only for limiting of Epiſcopacy, it was reſolved by the *Junto*, that none of theſe ſhould be Commiſſioners. The Marquis being ſurprized with ſo great a change of the State of Affairs, gave account of all theſe inconveniences to His Majeſty, and reſolved not to proceed to call a General Aſſembly, ſince he ſaw what effects it was like to produce, till he firſt went and acquainted His Majeſty with theſe hazards. The Covenanters high reſolutions.

On the 13th of *Auguſt* the Covenanters came to demand his Anſwer: he told them, he had a clear and full Anſwer to give them, but deſired to be excuſed till he firſt communicated it to the Council, which was to ſit next day. So they were ſatisfied for that time, and on the fourteenth he held a Council, where he delivered His Majeſties Anſwer in theſe Terms. The Marquis makes known His Majeſties intentions.

My Lords,

I Thought it fit to acquaint your Lordſhips before I returned His Majeſties Anſwer to the Noblemen, and others petitioning for the ſame, which is ſo full of Grace and Goodneſs, that we have all cauſe to bleſs God, and thank His Majeſty for it, ſuch is his tender care of this poor diſtracted Kingdom, that he will leave nothing undone, that can be expected from a Juſt Prince, to ſave us from Ruine; and ſince he finds ſuch Diſtraction in the Church and State, that they cannot be well ſettled without a Parliament and Aſſembly, the ſtate of the Country and buſineſs being prepared for it, he hath given me Warrant for calling of both, that they may be orderly held, as formerly they

have

An. 1638. *have been, according to the Laws and Cuſtoms of the Kingdom.*

And further I am to declare to your Lordſhips, that this we are to attribute only to His Goodneſs, for we cannot but acknowledge, that our carriage hath been ſuch, as juſtly we might have expected that he would have taken another courſe with us: which he was Royally and really prepared for, (had not His Mercy prevailed above His juſt Indignation) and by a powerful and forcible way have taught us Obedience, which he hath forborn to make uſe of, meerly out of His Grace and Goodneſs. It is our duty to let His Subjects know, how great our obligation is to Him, which every one of us in particular, and all of us in general, ſhould ſtrive to make every one ſenſible of; and labour, ſo far as lieth in our power, to procure ſatisfaction to His Majeſty, and quiet to this diſtracted Church and State.

But the Covenanters were not ſatisfied.

The day following he gave the Covenanters the ſame Anſwer, with which they were no way ſatisfied. They asked, what he meant by preparing of buſineſs; he ſaid, it was to eſtabliſh Order and Government again in the Country, as it was before thoſe Combuſtions; and upon this he gave them a Note of thoſe particulars His Majeſty ordered to be ſettled, and aſſured them immediately upon their Obedience, he ſhould indict an Aſſembly and Parliament, as he was inſtructed. They continued treating about this till the 20th of *Auguſt*, but ſtill declined to execute thoſe particulars that were commanded, and threatned to call an Aſſembly and Parliament themſelves: wherefore the Marquis craved again the ſpace of twenty days, to go and bring an Anſwer from His Majeſty; which he did to gain more time, and to ſhew the King into what extremities they were now run; and that it was neceſſary He ſhould immediately break with them, or give way to the full Career of their zeal: and ſo he took Journey on the 25th to Court.

The Marquis goes again to Court.

But the firſt night he ſtopped at *Broxmouth* to conſider with the Earls of *Traquair*, *Roxburgh* and *Southesk*, what advice to offer His Majeſty, who agreed on the following Articles, taken from the Original penned by *Traquair*.

Articles of advice offered to His Majeſty.

SInce the cauſe and occaſion of all the Diſtractions, which of late have happened both in Kirk and Polity, ſeems to proceed from the conceived Fears of Innovation of Religion and Laws, and that the Service-Book, Book of Canons, and the unbounded power of Biſhops in the High Commiſſion (never yet warranted by Law) was that which firſt gave ground and occaſion to the Subjects Fears, and ſeeing the ſaid Books are offered to be proved, to be full of Tenets and Doctrines contrary to the Reformed Religion, profeſſed and eſtabliſhed within this Kingdom, and the ſame introduced againſt all form and cuſtom practiſed in this Church; it were an Act of Juſtice well beſeeming ſo Gracious and Glorious a King, abſolutely and fully to diſcharge the ſame.

And ſeeing likewiſe this High Commiſſion hath given ſo great offence to ſo many of Your Majeſties good Subjects, and as is conſtantly affirmed, is of ſo vaſt and illimited a power, and contrary to expreſs Laws, by which all ſuch Judicatories, not eſtabliſhed by Act of Parliament, are declared to be of no force; it would much conduce to the ſatisfaction of this People, if this Judicatory were diſcharged till the ſame were eſtabliſhed by Law.

The practice of the Five Articles of Perth *hath been withſtood by the moſt con-*

conſiderable part of the Subjects of all qualities, both Laity and Clergy, where- An. 1638.
by great Diviſions have been in this Church, and are like to have an in-
creaſe, if Your Majeſty (in Your accuſtomed goodneſs and care of this poor
Kirk and Kingdom) ſhall not be graciouſly pleaſed to allow that the preſſing
of theſe Articles may be forborn until the ſame may be conſidered of in an
Aſſembly and Parliament; and although we conceive Epiſcopacy to be a
Church-Government moſt agreeable with Monarchy, yet the illimited power
which the Lords of the Clergy of this Kingdom have of late aſſumed to them-
ſelves, in admitting and depoſing of Miniſters, and in divers other of their
Acts and Proceedings, gives us juſt ground humbly to beg, that Your Ma-
jeſty may be pleaſed to remit to the Conſideration of the Aſſembly this their un-
warranted Power.

The ſenſe and apprehenſion of theſe foreſaid Evils, hath ſtirred up the Sub-
jects without warrant of Authority, to joyn in a Bond and Covenant, to with-
ſtand the foreſaid Innovations, and for maintainance of the true Religion,
the Kings Majeſties Perſon, and of one another in the defence thereof.

If Your Majeſty might be graciouſly pleaſed in ſupplement hereof, to allow
or warant ſuch a Confeſſion of Faith, with ſuch a Covenant or Bond joyned
thereto, as that ſigned by Your Majeſties Father, and by His Command, by
the Council and moſt part of the Kingdom, we are very confident the ſame
would be a ready and forcible mean to quiet the preſent Diſorders, at leaſt to
ſatisfie moſt part; and if Your Majeſty ſhall condeſcend to the foreſaid Pro-
poſitions, we are hopeful, if not confident, it ſhall give ſo great content to ſo
conſiderable a number of Your Majeſties good Subjects, of all qualities, that if
any ſhall ſtand out, or withſtand Your Majeſties Royal Pleaſure, after the
publication thereof, they may be overtaken by Your Majeſties Power within
this Kingdom, without the help or aſſiſtance of any Force elſewhere.

And becauſe it is to be hoped, that all that hath paſt in this buſineſs, and
all the Courſes that have been taken herein by the Subjects, hath proceeded
from the foreſaid Fears of Innovations, and not out of any Diſloyalty or diſ-
ſatisfaction to Soveraignty, and that Your good People may ſtill taſte the fruits
of Your Grace and Goodneſs, we wiſh Your Majeſty may be graciouſly plea-
ſed, upon the Word of a King, to pardon what is paſt, and never ſo much as
to take notice of any of the Actions or Proceedings of what perſon ſoever,
who after this ſhall carry himſelf as becomes a dutiful Subject, and in te-
ſtification thereof ſhall give his beſt aſſiſtance for ſettling the preſent Diſ-
orders.

And if Your Majeſty may be pleaſed to condeſcend hereto, we conceive all
Your Majeſties Subjects, Petitioners or Covenanters, ſhould acquieſce, and
reſt heartily ſatisfied therewith; and if any ſhall be ſo fooliſh or mad, as not-
withſtanding this Your Majeſties grace and goodneſs, ſtill to diſturb the
Peace of Your Majeſties Government, we in teſtification of our hearty thank-
fulneſs to our Soveraign, by theſe humbly and heartily make offer of our Lives
and Fortunes, for aſſiſting Your Majeſty, or Your Commiſſioner, in ſuppreſſing
all ſuch Inſolences or inſolent perſons.

Signed

Hamilton. | Roxburgh.
Traquair. | Southesk.

From

An. 1638. From *Broxmouth* he went forward to wait on His Majeſty, and did ſhew him, that unleſs he enlarged his Inſtructions he was to treat no further; ſince he ſaw the Contempt was like to be put on the laſt Inſtructions ſo viſibly, that he durſt not make uſe of them, leſt he ſhould thereby have expoſed His Majeſties Goodneſs to new Affronts. And as he repreſented this to His Majeſty, ſo he told him, nothing ſeemed ſo likely a Courſe for removing of Jealouſies and ſettling all things, as the Authoriſing the Covenant that upon King *James* his command was drawn up by Mr. *John Craig*, *An.* 1580. containing the renunciation of all the Articles of Popery, which was the ground of the preſent Covenant.

The Marquis adviſes the King to renew King *James* his Covenant.

The King reaſons againſt that.

His Majeſty did utterly diſreliſh the Propoſition of ſigning that Covenant, uſually called the *Negative Confeſſion*; for he remembred how his Father had reſented his doing of that, as raſh and indeliberate. And it ſeemed ſtrange to him, that ſo many Negatives ſhould be ſworn to, eſpecially with ſuch aggravations of Epithets; as if one might not be firm enough to the Proteſtant Doctrine, unleſs he not only abjured Popery in bulk, but alſo by retail, in ſo many particulars, ſome whereof might be both uncertain and indifferent. And it ſeemed tyrannical over tender Conſciences, to require ſuch an Oath from all Perſons, but more eſpecially from Women and ſimple People who could not judge well, and ſo were not fit to ſwear in ſuch nice points; therefore the King ſaid, he looked upon the Remedy propoſed as full as bad, if not worſe, than the Diſeaſe. The Marquis was ſo far from denying this, that he confeſſed, he could hardly without ſtraining of his own Conſcience reſolve on the doing of it himſelf, upon divers accounts; a chief one being, that in diſclaiming of Tranſubſtantiation, the real preſence of the Body and Blood of Chriſt was rejected, which he could not ſign without declaring, that by *real*, he underſtood *corporal* (and this he accordingly declared when he ſigned it.) But to this he added, that it was the Idol of *Scotland*; and he ſaw no other way to reduce things to any temper, unleſs this Courſe were taken and followed.

He preſented likewiſe to the King a Paper of all the Inconveniences, which were not only like to follow on the calling of an Aſſembly, but ſeemed certain: which Account was ſo full, that when the Biſhop of *Roſs* came up after that, being ſent by the Biſhops, to divert the King from calling an Aſſembly, His Majeſty ſaid, he offered no inconvenience could follow on it, but what the Marquis had laid out to the full before him. And now the King reſolved to try the utmoſt of yielding, for the recovery of His Subjects; therefore he again diſpatched His Commiſſioner from *Oatlands*, on the tenth of *September*, with ample Inſtructions which follow.

CHARLES R.

I. The Marquis gets new Inſtructions. YOU *ſhall in full and ample manner, by Proclamation or otherwiſe, as you ſhall ſee cauſe, declare, That We do abſolutely revoke the Service-Book, the Book of Canons, and the High Commiſſion.*

II. *You ſhall likewiſe diſcharge the practiſe of the Five Articles of* Perth, *notwithſtanding the Act of Parliament, which doth command the ſame; and in the ſaid Proclamation you ſhall promiſe, in Our Name, that if in the firſt Parliament to be held the three Eſtates ſhall think fit to repeal the ſaid Act,*

Act, We ſhall then give Our Royal Aſſent to the ſaid Act of Repeal. An. 1638.

You ſhall likewiſe declare, that We have enjoyned, and authorized the Lords of Our Privy Council to ſubſcribe the Confeſſion of Faith, and Bond thereto annexed, which was ſubſcribed by Our dear Father, and enjoyned by His Authority in the year 1580. *and likewiſe have enjoyned them to take order, that all our Subjects ſubſcribe the ſame.* III.

You ſhall likewiſe declare, That Our meaning and pleaſure is, that none of Our Subjects, whether Eccleſiaſtical or Civil, ſhall be exempted from cenſures and trial of the Parliament, or General Aſſembly, thoſe Courts proceeding againſt them in due form and order of Law. IV.

You ſhall likewiſe declare, That we are Graciouſly content, that the Epiſcopal Government, already eſtabliſhed, ſhall be limited with ſuch Inſtructions as may ſtand with the Laws of this Church and Kingdom already eſtabliſhed. V.

You ſhall offer a Pardon by Proclamation, and promiſe in it a Ratification of the ſame in Parliament, to all Our good Subjects, who ſhall reſt ſatisfied, with this Our gracious Declaration, and hereafter carry themſelves as becomes peaceable and dutiful Subjects. VI.

You ſhall procure an Act of Council, wherein every Councellour ſhall declare himſelf fully ſatisfied with this our Declaration, and (if you can) they ſhall moreover ſolemnly ſwear and proteſt to adhere to Us, and with their Lives, Fortunes, and whole Means, aſſiſt Us in the puniſhing and repreſſing all ſuch, as ſhall be found to be diſobedient to Us, or perſiſt in turbulent and unpeaceable Courſes; and if any of Our Councellours ſhall refuſe ſo to doe, you ſhall preſently remove him from the place of a Councellour. VII.

You ſhall likewiſe require every Lord of the Seſſion to ſubſcribe the Confeſſion of Faith abovementioned, and the Bond thereunto annexed; as likewiſe to make the ſame Proteſtation in all things, as in the laſt Inſtruction is required of a Councellour: and if they ſhall refuſe to doe it, you ſhall then certifie to Us the Names of ſuch Refuſers. VIII.

You ſhall likewiſe declare, that Our Pleaſure is, That a moſt ſolemn Faſt be indicted upon a ſet day throughout the whole Kingdom, which ſhall precede the General Aſſembly in ſome competent time. The Cauſes ſhall be declared, to beg Gods bleſſing on that Aſſembly, to beg of God a peaceable end to the Diſtractions of this Church and Kingdom, with the averſion of Gods heavy judgement from both. The form of Indiction we deſire to be according to the moſt laudable Cuſtom of this Church in moſt extraordinary caſes. IX.

You ſhall labour as much as in you lieth, that both the Electors, and Perſons elected to be Commiſſioners at the General Aſſembly, ſhall be the ſame that were wont to be in My Fathers time, and the ſame forms to be obſerved as near as may be; but yet if that cannot be obtained, it ſhall be no lett to you from indicting a General Aſſembly; but you ſhall go on in it, by all ſuch means, as you ſhall find to be moſt advantageous to Me in that Service. X.

The time and place of the Aſſembly, (Edinburgh *only excepted) We leave to your Judgment and Pleaſure.* XI.

You ſhall likewiſe preſently indict a Parliament; the time and place We leave likewiſe to you. XII.

Whether you ſhall firſt publiſh Our Gracious Offers, or firſt indict the Aſſembly, We leave it to your own Judgment as you ſhall ſee cauſe. XIII.

If you ſhall find the moſt conſiderable part of the Council not to acquieſce XIV.

An. 1638. *in this Our Gracious Declaration, and not to promiſe hearty and chearful Aſſiſtance to Us, as is above-expreſſed, or not a conſiderable part of other Lords and Gentlemen, in caſe Our Council refuſe, then you ſhall neither indict Parliament nor Aſſembly, nor publiſh any of My Gracious Offers, except only the aboliſhing of the Service-Book, Book of Canons and High Commiſſion; but leave them to themſelves, and to ſuch further Order, as We ſhall be forced to take with them: only if you foreſee a Breach, you ſhall give timely warning thereof, to ſuch as have ſtood well-affected to Our Service, that ſo they may in due time provide for their ſafety, and your ſelf is to return to Us with expedition.*

XV. *You muſt by all means poſſible you can think of be infuſing into the Miniſters, what a wrong it will be unto them, and what an oppreſſion upon the freedom of their Judgements, if there muſt be ſuch a number of Laicks to overbear them, both in their Elections for the General Aſſembly and afterwards.*

XVI. *Likewiſe you muſt infuſe into the Lay-Lords and Gentlemen with art and induſtry, how manifeſtly they will ſuffer, if they let the Presbyters get head upon them.*

XVII. *For the Forms of theſe We leave to you, and ſuch Learned Council as you ſhall uſe upon the place, always provided, that you retain the ſubſtance of theſe Our Inſtructions.*

XVIII. *You ſhall enjoyn in Our Name the Lords of Council, and all other Our good Subjects to ſubſcribe the Confeſſion of Faith ſigned by Our dear Father; and publiſh Our charge to all Commiſſioners and Miniſters for that end, according to the ſame, ſigned with Our Royal Hand; and further proceed in that particular, according as We have directed you, and Our Council by Our Letter to that effect.*

Oatlands the 9th of *Septemb.* 1638. CHARLES R.

With theſe His Majeſty did alſo ſign the following Inſtructions for his behaviour with the Biſhops.

CHARLES R.

Inſtructions to be communicated to the Biſhops.

YOU ſhall ſhew My Lord of St. Andrews, *that We intend by being content with his demiſſion of the Chancellours Place no injury to him, and moſt willing We are, that in the manner of doing it he may receive no prejudice in his reputation, though we cannot admit at this time of his nominating a Succeſſor; and to make it more plain, that We are far from having any thought to affront him, by thinking of his demiſſion, We will in no ways that you urge him to do it; yet you are to intimate, that in Our opinion a fair Demiſſion will prove more to the advancement of Our Service, and be better for him, than if he ſhould retain the Place.*

If you find him willing to demit, you ſhall then try what conſideration he doth expect from Us, and if the ſame be not altogether unreaſonable, you ſhall promiſe it in Our Name.

If a demiſſion, then it is preſently to be done.

If he reſolve to hold that Place, then you muſt preſently command his repair to Scotland, *all excuſes ſet apart.*

You ſhall communicate to him and the reſt of his Brethren, that far of Our Intentions, that it is probable you may indict a General Aſſembly. An. 1638.

That We are content abſolutely to diſcharge the Books of Service, and Canons, and the High Commiſſion.

You ſhall ſhew that the Five Articles of Perth *We are pleaſed be eſteemed as indifferent, and that though We maintain Epiſcopacy, yet We will be content that their Power be limited according to the Laws.*

And it is Our further Pleaſure, that if an Aſſembly be indicted, he and the reſt of his Brethren be there, to defend themſelves and their Cauſe: and for that end, that he and they repair to Newcaſtle, Morpeth, *or* Berwick, *there to attend your further advertiſement, that ſo immediately they may repair to* Scotland, *not only to anſwer for themſelves at the ſaid Aſſembly, but likewiſe to conſult with you, what will be fitteſt to be done, for the advancement of Our Service, that evil may be kept off, ſo much as in you and them lieth, both from Kirk and Commonwealth.*

Oatlands the 9th *September*, 1638.

C. R.

The Aſſembly was to ſit at *Glaſgow.*

As for the Place where the Aſſembly ſhould be held, though in the written Inſtructions it is referred to my Lord Commiſſioners choice, (*Edinburgh* only excepted) yet it ſeems it hath been concerted betwixt the King and him where it ſhould hold; for in a Paper concerning the Aſſembly, preſented by the Marquis to the King, yet extant, where mention is made of the Place of the Aſſembly, the King with His Own hand interlined, (*Glaſgow if may be*;) and without doubt, that was the fitteſt place: for as the City was large and convenient, ſo the Magiſtracy there was right ſet. Beſides, it was next to the place of the Marquis his Intereſt, whereby his power for over-ruling them might have been greateſt; neither was it fit they ſhould go ſo far from the ſcene as *Aberdeen* (which was adviſed by my Lord St. *Andrews*;) ſince for the Strangers, it would have been all to one purpoſe, for thither they would all have flocked; and it ſeemed not ſo proper, they ſhould meet in a Place or Country, which was ſtill well ſet, leſt the numbers and boldneſs of thoſe Strangers, had either poyſoned or frighted them from their Duty. But to make the whole matter clear, I ſhall here ſet down the Covenant and Bond, which were now enjoyned by His Majeſty.

The National Covenant firſt ſigned by King *James*, and now received by the Kings Order.

WE *all and every one of us underwritten, proteſt, that after long and due examination of our Conſciences in Matters of true and falſe Religion, we are now thorowly reſolved in the Truth, by the Word and Spirit of God; and therefore we believe with our Hearts, confeſs with our Mouthes, ſubſcribe with our Hands, and conſtantly affirm before God and the whole World, that this only is the true Chriſtian Faith and Religion, pleaſing God, and bringing Salvation to man, which is now by the Mercy of God revealed to the World by the preaching of the bleſſed Evangel, and received, believed, and defended by many and ſundry notable Kirks and Realms, but chiefly by the Kirk of* Scotland, *the Kings Majeſty, and the Eſtates of this Realm, as Gods eternal Truth, and only ground of our Salvation; as more particularly is expreſſed in the Confeſſion of our Faith, ſtabliſhed, and publickly confirmed by ſundry Acts of Parliaments, and now of a long time hath been openly profeſſed by the Kings Majeſty, and whole body of this Realm, both in Burgh*

An. 1638. *Burgh and Land: to the which Confeſſion, and form of Religion, we willingly agree in our Conſciences in all points, as unto Gods undoubted Truth, and verity grounded only upon his written Word; and therefore we abhor and deteſt all contrary Religion and Doctrine, but chiefly all kind of Papiſtry in general, and particular Heads, even as they are now damned and confuted by the Word of God, and Kirk of* Scotland. *But in ſpecial we deteſt and refuſe the uſurped Authority of that* Roman Antichriſt *upon the Scriptures of God, upon the Kirk and Civil Magiſtrate, and Conſciences of men; all his tyrannous Laws made upon indifferent things againſt our Chriſtian Liberty, his erroneous Doctrine againſt the Sufficiency of the written Word, the perfection of the Law, the Office of Chriſt, and his bleſſed Evangel; his corrupted Doctrine concerning Original Sin, our natural inability, and rebellion to Gods Law, our Juſtification by Faith only, our imperfect Sanctification, and obedience to the Law, the nature, number and uſe of the Holy Sacraments; his Five baſtard Sacraments, with all his Rites, Ceremonies, and falſe Doctrine, added to the miniſtration of the true Sacraments, without the Word of God, his cruel Judgements againſt Infants departing without the Sacrament, his abſolute neceſſity of Baptiſm, his blaſphemous opinion of Tranſubſtantiation, or real preſence of Chriſts Body in the Elements, and receiving of the ſame by the wicked, or bodies of men; his Diſpenſations with Solemn Oaths, Perjuries, and degrees of Marriage forbidden in the Word, his cruelty againſt the Innocent divorced, his deviliſh Maſs, his blaſphemous Prieſthood, his profane Sacrifice for the ſins of the dead and the quick, his Canonization of men, calling upon Angels or Saints departed, worſhipping of Imagery, Reliques, and Croſſes, dedicating of Kirks, Altars, Days, Vows to Creatures; his Purgatory, Prayers for the Dead, praying or ſpeaking in ſtrange Language, with his Proceſſions and blaſphemous Litany, and multitude of Advocates or Mediators; his manifold Orders, Auricular Confeſſion, his deſperate and uncertain Repentance, his general and doubtſome Faith; his Satisfactions of men for their ſins, his Juſtification by Works,* Opus operatum, *Works of Supererrogation, Merits, Pardons, Peregrinations and Stations; his Holy Water, Baptizing of Bells, conjuring of Spirits, croſſing, ſaning, anointing, conjuring, hallowing of Gods good Creatures, with the ſuperſtitious opinion joyned therewith; his worldly Monarchy, and wicked Hierarchy, his three ſolemn Vowes, with all the ſhavellings of ſundry ſorts; his erroneous, and bloody Decrees made at* Trent, *with all the Subſcribers and Approvers of that cruel and bloody Bond, conjured againſt the Kirk of God; and finally we deteſt all his vain Allegories, Rites, Signs and Traditions brought into the Kirk, without or againſt the Word of God, and Doctrine of his true Reformed Kirk, to the which we joyn our ſelves willingly, in Doctrine, Faith, Religion, Diſcipline, and uſe of the Holy Sacraments, as lively Members of the ſame in Chriſt our Head; promiſing and ſwearing by the great Name of the Lord our God, that we ſhall continue in obedience of the Doctrine and Diſcipline of this Kirk, and ſhall defend the ſame according to our vocation and power, all the dayes of our lives, under the paines contained in the Law, and danger both of body and ſoul in the day of Gods fearful Judgement: and ſeeing that many are ſtirred up by Satan, and that Roman Antichriſt, to promiſe, ſwear, ſubſcribe, and for a time uſe the Holy Sacrament in the Kirk deceitfully againſt their own Conſciences, minding hereby firſt, under the external Cloak of Religion, to corrupt and ſubvert ſecretly Gods true Religion within the Kirk, and afterward where time may ſerve, to become open enemies and perſecuters of the ſame, under vain*

hope

hope of the Popes Diſpenſation, deviſed againſt the Word of God, to his greater confuſion, and their double Condemnation in the day of the Lord Jeſus. An. 1638.

We therefore willing to take away all ſuſpicion of hypocriſie, and ſuch double-dealing with God and his Kirk, proteſt, and call the Searcher of all hearts to witneſs, that our minds and hearts do fully agree with this our Confeſſion, Promiſe, Oath, and Subſcription, ſo that we are not moved for any worldly reſpect, but are perſuaded onely in our Conſciences, through the knowledge and love of Gods true Religion, printed in our hearts by the Holy Spirit, as we ſhall anſwer to him in the day when the ſecrets of all hearts ſhall be diſcloſed. And becauſe we perceive that the quietneſs and ſtability of our Religion and Kirk, doth depend upon the ſafety and good behaviour of the Kings Majeſty, as upon a comfortable Inſtrument of Gods Mercy, granted to this Country for the maintenance of his Kirk, and miniſtration of Juſtice among us, we proteſt, and promiſe with our hearts, under the ſame Oath, hand-writ, and pains, that we ſhall defend his Perſon and Authority, with our Bodies and Lives, in the defence of Chriſt his Evangel, Liberties of our Country, miniſtration of Juſtice, and puniſhment of Iniquity, againſt all Enemies within this Realm, or without, as we deſire our God to be a ſtrong and merciful Defender to us in the day of our Death, and coming of our Lord Jeſus Chriſt, *to whom with the Father and the Holy Spirit be all Honour and Glory eternally.* Amen.

The Bond joyned to it.

WE underſcribing and conſidering the ſtrait link and conjunction betwixt the true and Chriſtian Religion preſently profeſt within this Realm, and our Soveraign Lords Eſtate and Standing, having both the ſelf-ſame Friends and common Enemies, and ſubject to the like event of ſtanding and decay; weighing therewithall the imminent danger threatned to the ſaid Religion, the Preſervation whereof being dearer to us than whatſoever we have deareſt to us in this Life, and finding in His Majeſty a moſt Honourable and Chriſtian Reſolution, to manifeſt Himſelf to the World that zealous and religious Prince, which he hath hitherto profeſſed, and to imploy the means and power that God hath put into his hands, as well to the withſtanding of whatſoever foreign Force ſhall mean within this Land, for alteration of the ſaid Religion, or endangering of the preſent State, as to the repreſſing of the inward Enemies thereto amongſt our ſelves, linked with them in the ſaid Antichriſtian League and Confederacy, have therefore in the preſence of Almighty God, and with His Majeſties Authorizing and Allowance, faithfully promiſed and ſolemnly ſworn, likeas we hereby faithfully and ſolemnly ſwear and promiſe, to take a true effauld and plain part with His Majeſty, amongſt our ſelves, for diverting of the appearing danger threatned to the ſaid Religion, and His Majeſties State and Standing depending thereupon, by whatſoever foreign or inteſtine Plots or Preparations; and to that effect, faithfully, and that upon our Truth and Honours, bind and oblige us to others, to convene and aſſemble our ſelves publickly with our Friends in Arms, or in quiet manner, at ſuch Times and Places as we ſhall be required by His Majeſties Proclamation, or by Writ or Meſſage directed to us from His Majeſty, or any having Power from him, and being convened and aſſembled to joyn and concur with the whole Forces of our Friends and Followers, againſt whatſoever foreign or inteſtine Powers or Papiſts, and their Partakers, ſhall arrive or riſe within this Iſland, or any part thereof, ready to defend or purſue, as we ſhall be authoriſed or conducted by His Majeſty, or any others having his Power and Commiſſion, to joyn and hold hand to the execution of whatſoever Mean or Order ſhall be thought meet by His Majeſty and His Council, for ſuppreſſing of the Papiſts, promotion of the true Religion, and ſettling of His Highneſs Eſtate,

and

An. 1638. *and Obedience in all the Countries and Corners of this Realm, to expoſe the hazard of our Lives, Lands, and Goods, and whatſoever means God hath lent us, in the defence of the ſaid true and Chriſtian Religion, and his Majeſties Perſon and Eſtate, againſt whatſoever Jeſuits and Seminary or Maſs Prieſts, condemned Enemies to God and His Majeſty, to their utter wreck and extermination according to the Power granted to us by His Majeſties Proclamation and Acts of Parliament, to try, ſearch, and ſeek out all Excommunicates, Practiſers, and other Papiſts whatever within our bounds and Shire where we keep reſidence, and delate them to His Highneſs and His Privy Council, and conform us to ſuch Directions as from time to time we ſhall receive from His Majeſty and His Council in their behalfs: and ſo ſpecially ſo many of us as preſently are, or hereafter ſhall be appointed Commiſſioners in every Shire, ſhall follow, purſue, and travel by all means poſſible, to take and apprehend all ſuch Papiſts, Apoſtates, and Excommunicates, as we ſhall receive in Writ from His Majeſty. And we the remanent within that Shire ſhall concur and aſſiſt with the ſaid Commiſſioners, with our whole Friends and Forces to that effect, without reſpect of any perſon whatſoever, and generally to aſſiſt in the mean time, and defend every one of us another, in all and whatſoever Quarrels, Actions, Debates, moved, or to be moved againſt us, or any of us, upon Action of the preſent Bond, or other Cauſes depending thereupon, and effauldly joyn in defence and purſuit againſt whatſoever ſhall offer or intend any injury or revenge againſt them, or any one of them for the Premiſes, making his cauſe and part that is purſued all our parts, notwithſtanding whatſoever privy grudge or diſpleaſure ſtanding betwixt us, which ſhall be no impediment or hinder to our ſaid effauld joyning in the ſaid common cauſe, but to lye over and be misken'd, till they be orderly removed, and taken away by the Order under-ſpecified. To the which time, we for the better furtherance of the ſaid Cauſe and Service, have aſſured, and by the tenour hereof, every one of us taking the burden upon us for our ſelves, and all that we may let aſſure each other to be unhurt, unharmed, or any ways to be invaded by us, or any our aforeſaids for old Feid or new, otherwiſe than by ordinary courſe of Law and Juſtice; neither ſhall we or any of our foreſaids, make any Provocation or Tumult, Trouble or Diſpleaſure, to others in any ſort, as we ſhall anſwer to God, and upon our Honours, and Fidelity to His Majeſty. And for our further and more hearty Union in this Service we are content and conſent, that all whatſoever our Feids and Variances fallen, or that may fall out betwixt us, be within forty days after the date hereof amicably referred and ſubmitted to ſeven or five indifferent Friends, choſen by His Majeſty of our whole number, & by their moderation and arbitrement compounded and taken away. And finally, that we ſhall neither directly nor indirectly ſeparate or withdraw us from the Union and Fellowſhip of the remanent by whatſoever ſuggeſtion or private advice, or by whatſoever incident regard, or ſtay ſuch reſolution as by common deliberation ſhall be taken in the premiſes, as we ſhall anſwer to God upon our Conſciences, and to the World upon our Truth and Honours, under the pain to be eſteemed Traitors to God and His Majeſty, and to have loſt all Honour, Credit, and Eſtimation in time coming. In witneſs whereof, by His Majeſties ſpecial Command, Allowance, and Protection promiſed to us therein, we have ſubſcribed theſe preſents with our Hands at* 1589.

The Marquis finds the Biſhops jealous of him.

The Marquis being thus again diſpatched took journey to *Scotland*, and at *Ferrybridge* he met the Biſhops, to whom he ſignified His Majeſties Pleaſure, at which they ſeemed infinitely grieved, and ſpoke againſt it with ſo great vehemency, as clearly told they were no way pleaſed with

with the Marquis: yet they reſolved to keep the Aſſembly, and in the mean while to ſend one of their number to Court, to which he gave way. The Archbiſhop of S. *Andrews* ſeemed willing on a good Compoſition to quit his Place of Chancellour, and the Marquis offered him 2500 *l. Sterlin*, with which he was ſatisfied. *An.* 1638.

Hitherto the Marquis had wreſtled againſt the Malice and Jealouſies of the Covenanters, and now Storms begun to riſe from another Hand, which ceaſed not to perſecute him to his Grave: but the Truth of this Narration will beſt diſcover both their Injuſtice who charged him, and his Innocence.

He holding on his Journey came to *Holyroodhouſe* on the 17th of *September*, where he found Jealouſies beginning to ariſe betwixt ſome of the wiſer Miniſters and the Lords of the Covenant, concerning the Lay-ruling-elders, which he was reſolved to cheriſh with all the Art he was maſter of; cauſing ſome repreſent to the Miniſters, that if they gave way to that inordinate Power Gentlemen were pretending to in Church-matters, it might end in a greater Servitude than any they had ever reaſon to fear from either King or Biſhops: this was well conſidered by many, but they were over-ruled. He alſo found the Covenanters were ready immediately to have indicted an Aſſembly, if he offered at any more delays; and therefore reſolved to give them preſent ſatisfaction. But his firſt Work was to deal with the Lords of the Council, moſt of whom he found abundantly ſatisfied with His Majeſties Gracious Offers: ſo that he began again to gather ſome hopes, and to the firſt accounts he gave His Majeſty he had the following Return. He comes to *Scotland*, and finds ſome Jealouſies amongſt the Covenanters.

Hamilton,

IF *I ſhould be too long ſilent, I might ſeem to contradict that Rule which my ſelf preſcribed; therefore, though for the preſent I can ſay nothing of the main buſineſs, yet this muſt go if it were but to acknowledge the receipt of your two,* viz. *of the* 12th *of* September *from* Ferribridge, *and of the* 17th *of the ſame from* Holyrood-houſe. *So referring you to the Comptroller for what concerns the Ordnance that is to be tranſported to* Hull, *I reſt*

Hampton-Court,
22 Sept. 1638.

Your aſſured conſtant Friend,

CHARLES R.

Upon the 20th of *September* the Covenanters ſent to ask the Marquis when they might wait on him to know His Majeſties Pleaſure: he anſwered, when they would; for he was reſolved to hold a Council next day, and the day following to publiſh it. So on the 21th in the morning they came to him: he told them he was going to Council to make His Majeſties Pleaſure known, which ſhould be alſo known at the Croſs next day; but for their preſent joy he told them, that the King had granted all they had deſired, and more alſo, and that a free Aſſembly and Parliament ſhould be immediately indicted. Some did hang their heads, and ſeemed ſurprized, yet they expreſſed thanks. He alſo ſpoke frankly The Marquis lets the Kings intentions to be known.

An. 1638. frankly to ſome of them, telling them what the particulars were which His Majeſty had granted; for having opened them to ſo many Privy Councellours, he could not think but all was known to them. They ſeemed reaſonably well ſatisfied, onely they preſſed him to deſiſt from renewing the Confeſſion of Faith; for they clearly ſaw that this could not but take off a great many, and would heal moſt of the Subjects of the Jealouſies they had been infuſing in them: but he reſolved to hear of no delay, having made moſt of the Councellours ſure before-hand, and that by Oath. The Council ſat in the afternoon, and it was a very frequent Meeting. After they were ſet, the Marquis with all the Art and Induſtry he could think of, laid out His Majeſties Gracious Intentions for the Preſervation of the true Reformed Religion, and the Laws and Liberties of that Kingdom; and that for the ſaving it from utter ruine, and keeping of peace in the Land, he had done many things to which he had never been induced to have given way, except out of that Conſideration.

at which the Covenanters were troubled.

He propoſes the matter in Council,

Then was the Kings Letter to the Council read, which was of the ſame ſtrain with the Inſtructions, after which there was a general ſilence. But the Marquis (not willing that ſhould laſt long, much leſs that any whoſe affection he ſuſpected ſhould begin the Diſcourſe) deſired *Traquair* to ſpeak, who ſpoke (as he uſed to do) both long and well. After that he called up ten or twelve of whom he was moſt aſſured, who expreſſed their ſatisfaction to the full. Then he preſſed it might be put to the Vote, but ſome deſired they might proceed more maturely, ſince it was a Confeſſion of Faith they were to ſign. This could not be refuſed, and ſo was followed by a long debate, and in end many deſired, they might not be put to ſign it that night. The Marquis remembring the Diſorder had followed upon the laſt Act, and reſolving not to run ſuch a riſque again, ſaid, he did not deſire it ſhould be ſigned that night, but that they ſhould be ready for it next morning; withall proteſting, he would have none ſign it, but ſuch whoſe Conſciences were ſatisfied, and who were ready to hazard Life and Fortune in the proſecution of it: and ſo after he had cauſed Regiſtrate His Majeſties Letter, they roſe about ten a clock at night.

which was there debated at length,

Moſt part of that night he ſpent in labouring thoſe who had Scruples, and conſulting with ſuch as were well affected.

In the morning the Clerk-Regiſter and Kings Advocate came to draw the Forms of indicting the Aſſembly. The Kings Advocate ſeemed unwilling it ſhould be according to the ſtyle uſed in King *James* his lateſt times, but he was over-ruled. About ſix in the morning the Earl of *Rothes*, and many of the Covenanting Lords, deſired acceſs; and the Marquis calling as many of the Council together as could be had of a ſudden, admitted them. *Rothes* in the name of the reſt ſaid, they heard the Council were to ſign the old Confeſſion of Faith, and to publiſh a Declaration thereabout, which they deſired might be delayed till Monday next, and then they doubted not to be able to give good reaſons why they ſhould not doe it. The Marquis replied, he ſhould return them an Anſwer by the advice of the Lords of the Council quickly; and from them he went to Council, being firmly reſolved to admit of no delay, knowing that it was ſought on deſign to divide the Council. The Covenanters upon their Petition were called in to the Council, and they raiſed a long Debate which laſted about four hours, and in the end no

and much oppoſed by the Covenanters.

no delay was granted, at which the Covenanters were infinitely discontented, and went away not without ſome big words. At length after three hours more debate amongſt the Councellours, it was carried without a contrary voice, that the Confeſſion ſhould be preſently ſigned: next, the Proclamation of Grace was ordered to be publiſhed, with another for indicting an Aſſembly at *Glaſgow* the 21th of *November*, and another for a Parliament at *Edinburgh* the 15th of *May* next: then they paſſed an Act, declaring their full ſatisfaction with His Majeſties Conceſſions, together with a Letter of Thanks to His Majeſty, expreſſing their full ſatisfaction, with large Engagements to adhere conſtantly to His Service; and ſo they roſe at four a clock, having ſate from ſeven in the morning. *An.* 1638.

The Council reſt ſatisfied with His Majeſties offers;

The Proclamations were immediately ſent to the Croſs, which there met with Proteſtations: but many judged they went upon Grounds ſo weak, that it was viſible they were deſigned for no other end, but to keep the People from being ſatisfied, and to hinder the Subſcription of the Confeſſion and Bond. Many of the Council were diſpleaſed with the Proteſtation, and ſwore to the Marquis, that ſince Religion was now ſecured, they would appear in another manner for the Kings Intereſt; but all he could do could not perſuade them to paſs a Cenſure upon the Proteſtation as Seditious. Next, there were Commiſſions given out for the Shires to ſeek in Subſcriptions to the Confeſſion of Faith; and the Earl of *Rothes*, and ſome other Covenanters were joyned in the Commiſſion for the ſeveral Shires: which was cenſured by many, but moſt of all by the King himſelf, who knew not how to conſtruct of this, as will appear by a Letter which will be inſerted in its place. But moſt of the Councellours were earneſt for it upon theſe Reaſons, that it gave theſe Lords a fair opportunity of retreating if they would accept of it; it might alſo confirm all that the Kings Indemnity was deſigned to be Real, when ſuch perſons were ſo ſoon truſted: it might give ſome Jealouſie to the other Covenanters againſt thoſe who were ſo truſted, as if under-hand they had given ſome Engagements. But chiefly the Body of the People would be very much perſuaded that the thing was deſigned in earneſt, when they read thoſe Names in the Commiſſions. Upon theſe Grounds the Marquis yielded to the deſires of the Councellours, and the King was fully ſatisfied when he was informed about it; which will quickly appear. Upon the notice His Majeſty had of what paſſed, he wrote the following Letter. yet the Covenanters proteſt.

Hamilton,

I Have no time now to make my obſervations upon your Proceedings, therefore now I ſhall onely tell you that I approve them all, (in what concerns your part of them;) and that not onely ſo, but that I eſteem it to be very great Service (as the times are.) This much I thought neceſſary at this time to encourage you in your Proceedings: my next ſhall be longer, yet this is enough to aſſure you that I am

Hampton-Court
30 Sept. 1638.

Your aſſured conſtant Friend,

CHARLES R.

An. 1638. The Marquis apprehends the deſign againſt Epiſcopacy.

This being done, the Marquis his next Work was to preſerve Epiſcopacy, which was in viſible hazard, ſince the worſt-affected every where were choſen Commiſſioners for the Aſſembly: and of this he advertiſed the King, deſiring him to go on with his Preparations for fear of the worſt: and particularly he remembred him of the Reſolution he had taken about *Berwick*, which was, that becauſe Souldiers could not be levied in *England*, and ſent thither, without making a direct Breach; therefore a thouſand and five hundred Souldiers ſhould be levied in the Prince of *Orange* his Name in *Holland*, and theſe be ſuddenly ſhipped, and as ſuddenly landed at *Berwick* for ſecuring of that place. But withall he advertiſed His Majeſty to go on with much ſecrecy, leſt the Covenanters might take the ſtart of him; and therefore he adviſed the ſtopping of a Magazine that was to be ſent to *Hull*, which ſince it was not preſently to be made uſe of, he thought might lie as well in the Tower of *London* as there. And to this Diſpatch he had the following Anſwer.

Hamilton,

I *See by yours of the* 27th *of* September, *that the Malignity of the Covenanters is greater than ever, ſo that if you who are my true Servants do not uſe extraordinary Care and Induſtry, my Affairs in that Kingdom are likely rather to grow worſe than better: therefore, you that do your endeavours accordingly deſerve the more praiſe, and your oppoſers the more puniſhment; and in my mind this laſt Proteſtation deſerves more than any thing yet they have done, for if raiſing of Sedition be Treaſon, this can be judged no leſs. And methinks if the Colledge of Juſtice have ſigned my Covenant, (which I hope they have, becauſe I hear nothing in the contrary) it were no impoſſible thing to get them to doe me Juſtice in this particular: And this I will ſay confidently, that until at leaſt the Adherers to this laſt Proteſtation be declared Traitors, nothing will go as it ought in that Kingdom; I ſay this not to alter your courſe, but onely to ſhew you my opinion of the State of Affairs.*

As for the danger that Epiſcopal Government is in, I do not hold it ſo much as you doe; for I believe that the number of thoſe that are againſt Epiſcopacy (who are not in their hearts againſt Monarchy) is not ſo conſiderable as you take it.

And for this General Aſſembly, though I can expect no good from it, yet I hope you may hinder much of the ill; firſt, by putting Diviſions among them concerning the Legality of their Elections, then by Proteſtations againſt their Tumultuous Proceedings. And I think it were not amiſs if you could get their Freedom defined (before their Meeting,) ſo that it were not done too much in their Favours. And I hope you will remember to weigh well the Propoſitions for the Aſſembly

bly, and ſend them up to me with all convenient ſpeed. I have ſeconded your Letter to the Major of Newcaſtle *for the freeing of theſe Horſes, and have ſtopped all Proviſions according to your advice at* Hull ; *yet methinks now they may be avowed to go againſt thoſe that will not reſt ſatisfied with what you have lately done in my Name. But in this I aſſure you that I take your advice ; and ſo I reſt* An. 1638.

Hampton-Court,
20 Octob. 1638.

Your aſſured conſtant Friend,

CHARLES R.

Now the Covenanters were not idle; and two Stories were at this time not a little talked of. The one was about one Miſtreſs *Mitchelſon*, who was judged a devout perſon ; (a zealous Covenanter ſhe was) ſhe was troubled with Vapours, and, as is incident to perſons in that condition, ſpoke as one tranſported, and moſt of all her Raptures were about the Covenant: ſhe did alſo inveigh ſeverely againſt the late Act for ſigning the Confeſſion of Faith. This was highly magnified, and ſhe was ſpoken of as a perſon inſpired of God, and her words were recited as Oracles, not a few taking them from her mouth in Characters. People of the beſt Quality came to ſee her in her Fits, and ſhe was brought to the houſe of a noted Covenanter, and laid in a large Bed-chamber, which was always crowded to the doors; ſhe was called an Impoſtreſs by many, but thoſe who underſtood Nature better, knew the root of her Diſtemper, which to have called ſo at that time had met with a high Cenſure: though, it afterwards abating, they were willing to defend it under that notion, and counted them favourable who believed no worſe of it. The pretended Propheteſs.

The other Story was of one *Abernethy*, who from a Jeſuit Prieſt turned a zealous Presbyterian; and had learned ſo much falſhood in the Jeſuits School, as to forge a Story of the Liturgy of *Scotland* being ſent to *Rome* to ſome Cardinals to be reviſed by them; and that *Signior Con* had ſhewed it to himſelf there. Upon the report of this, the Marquis wrote to *Con*, who was then at *London*: but *Con* proteſted ſeriouſly, he never ſo much as had heard of a Liturgy deſigned for *Scotland*, till he came laſt to *England*; that he had never ſeen that *Abernethy* at *Rome*, but once, and finding him light-headed, had never again taken notice of him: yet *Abernethy*'s Story had a ready belief, as well as a welcome hearing; though the lightneſs and weakneſs of the man became afterwards ſo viſible, that ſmall account was made either of him or his Story, which at this time took wonderfully. A Jeſuit turns Presbyterian.

Upon the 24th of *September* a new debate aroſe in the Council, which had almoſt ſet all wrong again. Some at the Board, whoſe hearts were with the Covenanters, moved that it might be declared, That matters of Diſcipline and Ceremonies were points of Faith; this was at length debated and determined in the Negative. The Marquis his next care was, to write to all the Kings Friends through *Scotland*, that they might ſee His Majeſties Proclamation publiſhed, and get in as many Subſcriptions to the Confeſſion of Faith as was poſſible, and do their utmoſt to ſee that the Elections of the Commiſſioners to the Aſſembly The Kings Proclamation publiſhed over *Scotland*.

An. 1638. might be well conſidered: but in none did he confide more, and to none did he write more freely than to the Marquis of *Huntley*, who expreſſed great zeal for His Majeſties Service, of which he gave the King a full account; and as he ſaw cauſe, he moved His Majeſty to write divers Letters for encouraging all His good Subjects. The Doctors of *Aberdeen* were alſo much cheriſhed by him, and very kindly recommended to the King; neither was any thing omitted that might cheriſh ſuch as he ſaw well-affected to His Majeſties Service. He cauſed alſo draw a Remonſtrance againſt Lay-elders, and ſent it through the Country, to get as many Miniſters Hands to it as was poſſible againſt the Sitting of the Aſſembly. He was likewiſe very earneſt with the Doctors of *Aberdeen* to have come to *Glaſgow* to the Aſſembly, finding them the only perſons then in *Scotland* fit for undertaking the defence of *Epiſcopacy*; he was to have ſent one of his Coaches to the North for them, but that Road being always bad for a Coach, was unpaſſable in Winter; and the Doctors were ſo extremely averſe from coming, that he could not importune them any further, ſince he ſaw it was reſolved, that though an Angel from Heaven ſhould come to plead for Epiſcopacy, all would be rejected. He alſo diſcovered the Prelimitations which the *Tables* were ſetting on the Aſſembly, by the Orders they ſent through all the Presbyteries, both about Lay-elders, and that none ſhould be choſen ſave Covenanters, and chiefly thoſe that were able to argue on thoſe Heads that were under debate. In the mean time he went home to *Hamilton*, to get thoſe of *Cliddiſdale* to ſign the Confeſſion, the Juſtice-Clerk having gone before him to *Glaſgow*, and publiſhed the Proclamations there; but he himſelf met with more difficulty in *Cliddiſdale*; yet he overcame moſt of them, though they had been ſtrangely wrought upon to reſiſt him: of all which having given the King an Account he had from Him the follow-Letter.

The Marquis does all was poſſible to prepare things for the Aſſembly.

Hamilton,

I Confeſs this laſt Diſpatch does more put me to ſeek how to judge of the Affairs of that Kingdom, than any that I have yet received; for I did not think that you would have met with ſo much oppoſition within your bounds, ſince (as I thought) you paſt well over a greater difficulty, to wit, the Peeviſhneſs of the Council. The cauſe of this I judge to be, that you did not make ſo much oppoſition againſt the Proteſtation as it deſerved, though (I believe) as much as you could. But one thing I deſire you to ſend me the reaſon of, which is, why you have mingled the Proteſters with my good Subjects, as Commiſſioners in moſt of all the Shires, for the procuring of Subſcriptions to my Bond: now it ſeems to me, that this will make the Covenanters oppoſe my Service with a ſhew of more Authority than otherwiſe they could, (and certainly you cannot but imagine, that they muſt oppoſe that that they have proteſted againſt;) for by this the ignorant Multitude may be brought to believe, that my Council have either ad-

admitted, or at leaſt do not gainſay, the Proteſtation: yet whether I be right in this or not, I will ſuſpend my Judgment, even of my own Opinion, until I hear from you. But one thing I will confidently affirm, that until moſt of the Council expreſs themſelves vigorouſly in deteſtation of this laſt damnable Proteſtation, never look for any Obedience there. In the latter end of your Letter, you are very careful not to give them cauſe of Fears of my Preparations, or hindering theirs; yet in the middle perſuade to haſten on Mine: now, beſides that this ſeems to me a Contradiction, I think that there is as much (if not more) danger now, that they ſhould imagine I fear to diſpleaſe them, than to make them ſcar at my Preparations, or for ſtopping of theirs; for now that the pretext of Religion is (I dare ſay) fully ſatisfied, fearful Proceeding now may hazard the loſs of the little Party we have, by making them probably fear, that I either cannot, or dare not maintain my own Authority. But I doubt not your Dexterity and Diligence will help me to break through theſe difficulties, and ſo I reſt

An. 1638

Hampton-Court,
9 Octob. 1638.

Your aſſured conſtant Friend,

CHARLES R.

This Letter ſeems of another ſtrain than the former; but as ſoon as His Majeſty was informed of the Reaſons, which were given in the former account of the Proceedings of the Council the 22th of *September*, which were forgotten by the Marquis in the long Diſpatch, he then ſent, he was well-ſatisfied, as will appear by His Letter bearing date the 24th of *October* to be inſerted in its due place.

Many every where did at firſt offer to ſign the Confeſſion, and the Covenanters ſeeing an inclination in moſt perſons to return to their Duty, forgot nothing could be deviſed, to fill the Peoples minds with new Jealouſies, as if the King were but abuſing them, and intended the performance of nothing that was promiſed; all being done only to to evite the preſent Storm, which would be no ſooner calmed, but they might expect worſe Uſage than ever: and with this they added a great many Reaſons to perſwade all, that it was Perjury for ſuch as had taken the Covenant, to ſign the Confeſſion. And the ſins of *Scotland* being ſo great, that they were to be puniſhed with a tract of bloody Civil Wars, God in his holy and wiſe Judgments permitted the poor People to be ſo blind in their Obedience to their Leaders, that theſe Arts took univerſally with them; to which may be juſtly imputed all the miſchiefs that Kingdom hath ſmarted under ever ſince.

The Covenanters do much oppoſe the ſigning King *James* his Covenant.

The Covenanters were no leſs careful to ſee well to the Elections for the Aſſembly, the Ruling-elders coming to all the Presbyteries, and being of one knot, and men of power, carried the Elections as they pleaſed; for there being an Elder out of every Pariſh, they equalled the Miniſters in number, but exceeded them when the Election was voted, all the

Great diſorders in Elections.

An. 1638. the Miniſters who were on the Liſt, and were ordinarily ſix or ſeven, being removed; yet in many Presbyteries Proteſtations were uſed againſt them by ſome Miniſters. The Marquis ſeeing how things were carried, and having Informations from all places of the unlucky Elections, begun to draw up the Nullities of the Aſſembly, ſending the particulars to the King as he had them; adviſing him withall to go on more frankly with his Preparations, ſince he ſaw it impoſſible to prevent a Rupture at *Glaſgow*. And it was now apparent to him, that the Factious Spirits among the Gentry and Miniſtry were reſolved to receive no ſatisfaction from any thing the King could offer, how juſt and rational ſoever.

The Kings Declaration was publiſhed through all the Shires in *Scotland*; in ſome it met with Proteſtations, but in other places the Marquis his diligence in ſending the Commiſſions for it had prevented the *Tables*.

Moſt of the Councellours were ſlack in procuring of Subſcriptions, yet in all there were twenty eight thouſand Subſcribers; of which number thoſe the Marquis of *Huntley* procured made twelve thouſand.

The Biſhop and Doctors of *Aberdeen* ſubſcribed the Kings Covenant.

But I ſhould be injurious to the Memory of the Biſhop and Doctors of *Aberdeen*, did not I mention how they ſigned the Confeſſion, it being preſented to them by the Marquis of *Huntley*. The matter is little known, and the Original is in my hands, therefore it will not be unpleaſant that I relate how they ſigned it with theſe ſeven Reſtrictions, which I ſhall ſet down in their own Words.

Firſt, we do heartily abhor and condemn all Errours truly Popiſh, or repugnant to the Holy Scripture, and conſequently to the Uniform Doctrine of the Reformed Kirks, and to our National Confeſſion regiſtred in Parliament An.1567.

Secondly, we do no ways hereby abjure or condemn Epiſcopal Government, as it was in the days, and after the days, of the Apoſtles in the Chriſtian Kirk for many hundreds of years, and is now conform thereto reſtored in the Kirk of Scotland.

Thirdly, we do not hereby condemn nor abjure the Five Perth *Articles, or any thing lawful of that ſort, which ſhall be found by the Church conducible at any time for good Policy and Order, or which is practiſed by any ſound Reformed Kirk.*

Fourthly, we ſtill hold to that Clauſe of our great National Confeſſion, (chap. 20.*art.*21.*) that the General Councils, and conſequently the National Kirk of* Scotland, *have no power to make any perpetual Law which God before hath not made.*

Fifthly, by the adhering to the Diſcipline of the Reformed Kirk of Scotland, *we mean not any immutability of that Presbyterial Government which was* An.1581. *or of any other Humane Inſtitution: but we do hereby underſtand that the Eccleſiaſtical Juriſdiction and Diſcipline of the Kirk of* Scotland *doth not depend on the Pope of* Rome, *or any other Foreign Power; and hereby we do confeſs our conſtant Obedience to the Kirk of* Scotland *in all her lawful Conſtitutions.*

Sixthly, we do not preſume by this our perſonal Oath either to prejudge the liberty of the Kirk of Scotland, *to change and reform this foreſaid ſhort Confeſſion, in ſome ambiguities and obſcure expreſſions thereof, whereupon ſome men have builded inconvenient Interpretations and Doctrines, or to exime our ſelves from Obedience to the Kirk in that caſe.* *Seventhly,*

Seventhly, by this our perſonal Oath we do not take upon us to lay any further Bond upon our Poſterity, than the Word of God doth, recommending onely our Example to them, ſo far as they ſhall find it agreeable to Gods Word. An. 1638.

In this ſenſe as is ſaid, and no otherwiſe, do we ſubſcribe the ſaid Confeſſion, and the general Bond annexed thereunto, at Aberdeen Octob. 5. 1638.

Signed,

Ad. Aberdonen.

John Forbes D. and P. of Div.	Ja. Sibbald D.D.
R. Barrone D. and P. of Div.	Al. Scrogie D.D.
Al. Roſſe D.D.	Wil. Leſley D.D.

Theſe Explanations were too juſt not to be accepted of by the Marquis of *Huntley*; but leſt an humour of annexing Explications might have run through others from their example, which might have not onely retarded the Work, but occaſioned new Grounds to the Covenanters to quarrel this Confeſſion, he kept the matter ſecret, and took their Subſcription in a Bond apart, and ſo ſent it to the Marquis. But leaving to the Reader to judge how judiciouſly cautious theſe Exceptions were, I quit this Digreſſion and go on.

From all places ſome Subſcriptions were brought, except from *Argyleſhire*, my Lord *Argyle* alledging, that ſince the Aſſembly was ſo near, all deſired to be excuſed till it had ſate and determined about it. This confirmed the Jealouſies of him, it being well known how abſolute his Authority was in that place.

The Marquis returned to *Edinburgh* about the 20th of *October*, but was much diſordered to find neither my Lord *S. Andrews*, nor the other Biſhops, come thither as he had appointed; ſo that he was left deſtitute of Council how to reſolve on the legality of his Procedure at the Aſſembly: yet having adviſed with ſuch as he durſt truſt about the Method in which he was to go on at *Glaſgow*, he drew it up, and ſent it to my Lord of *Canterbury*, to communicate it to His Majeſty. Likewiſe thoſe Biſhops who ſtay'd in *Scotland*, having preſſed him earneſtly to prorogue the Aſſembly, foreſeeing what was like to follow on it, he adverti ſed His Majeſty of the hazards which on the one hand were viſible; but on the other hand, if it were prorogued it would not fail of fortifying the Jealouſies the Covenanters had ſpread, as if the King intended not to obſerve what he promiſed; which might work much on the Vulgar. Beſides, he ſaw grounds to fear, that moſt of the Council would deſert him if it went to that; and certain it was, that the Covenanters would not obey, but keep the day onely with this odds, that they would hold it at *Edinburgh*: he therefore judged it fitter the day ſhould be kept, and His Majeſties Gracious Offers firſt propoſed, and next the Nullities of the Elections examined, and then the Biſhops Declinator offered; and by that time there was no reaſon to doubt they would give too good grounds for diſſolving them. All this he ſubmitted to His Majeſties Judgment, adding, that if he thought fit to prorogue it, there were grounds enough from the Actions of the Covenanters for juſtifying it, but a preſent Rupture would be unavoidable; to which he received the following Anſwer.

Some adviſe to prorogue the Aſſembly.

Hamilton,

An. 1638.

Hamilton,

YOu will receive a particular Anſwer by my Lord of Canterbury *of all your Propoſitions touching the Aſſembly, wherein you will find that my Alterations are rather circumſtantial than material. As concerning the way of your Proceeding, though I confeſs of importance to my Service, you foreſeeing rightly what my Judgment would be of them; yet I dare ſay, I have left them as full as any of my Proclamations or Declarations, and why I ſhould go further I ſee no reaſon; for certainly thoſe that will not be contented with what I have done already, will be leſs contented if I ſhould do more. As for the Opinions of the Clergie to prorogue this Aſſembly, I utterly diſlike them, for I ſhould more hurt my Reputation by not keeping it, than their mad Acts can prejudice my Service; wherefore I command you hold your day: but (as you write) if you can break them by proving Nullities in their Proceedings, nothing better. Laſtly, concerning Aſſeſſors, I like their Names, and (as you ſay) you muſt not ſuffer me to loſe my Privilege. To conclude, I like your way well, and hope (upon conſideration) that you will not miſlike my Alterations; for I will make none in being*

Havearing,
29 Oct. 1638.

Your aſſured conſtant Friend,

CHARLES R.

The Covenanters ſummoned the Biſhops to the Aſſembly.

In the end of *October* the Earl of *Rothes*, with the other Covenanters, petitioned for a Warrant to cite the Biſhops to appear before the Aſſembly: the Marquis anſwered, the Law was patent, and there were legal ways for citing all ſuch as were either within or without the Country; but for him to give Warrants, it had never a Preſident, and ſo could not be granted; for it was enough that he did not protect them againſt a fair Trial: whereupon the Covenanters addreſſed themſelves to the Presbytery of *Edinburgh* for it, who gave Warrant for the moſt ſcandalous Summons that was ever heard of in the Chriſtian Church, which is to be ſeen in the large Declaration, wherein all the Biſhops were cited as guilty of Hereſie, Simony, Perjury, Inceſt, Adultery, Fornication, Breach of the Sabbath, and what not! to which they added *reſpectivè*, which many ſaid was on deſign to abuſe the poor Vulgar, who could not underſtand the importance of that Law-term, but would undoubtedly believe them all guilty of theſe Crimes. This was ordered to be read in the Churches of *Edinburgh*, but carried ſo ſecretly, that it was onely on the Saturday-night before that the Marquis had notice of it; whereupon he preſently ſent to require them under pain of Treaſon to forbear, but that was not formidable to them: ſo notwithſtanding that, it was read in the Colledge-Church of *Edinburgh* after Communion, and ordered to be read in all the Churches over *Scotland*, and accordingly done.

They

They ſent alſo Orders through all *Scotland* to ſearch into the Biſhops Converſations, that all their eſcapes being gathered together, and Witneſſes being cited to *Glaſgow*, they might find pretexts of Juſtice to ſecond the fervour of their Zeal. *An.* 1638.

Upon the firſt of *November* the Seſſion ſat down at *Edinburgh*, and the Marquis having dealt with all the Lords of that Court before, went thither to get them to ſign the Confeſſion of Faith: ſome deſired a delay, and this raiſed a Debate of three hours; at length nine of the fifteen ſigned it, two were abſent, and four refuſed: but thoſe who ſigned it durſt hardly walk the Streets, ſo odiouſly had the Miniſters repreſented the Confeſſion to all. The Seſſion ſits, and moſt of the Lords ſign the Kings Covenant.

At this time the Marquis got the Earl of *Marre* to reſign the Caſtle of *Edinburgh* to the King: five thouſand pounds *Sterlin* was that he demanded for it, but he was brought to accept of two thouſand; and becauſe the Earl of *Marre* would not meddle with the Exchequer for payment, the Marquis gave him Security out of his own Eſtate for it; and at the ſame time the Archbiſhop of S. *Andrews* reſigning the place of Chancellour, he gave him alſo Security for two thouſand five hundred pounds *Sterlin* out of his own Fortune: ſo ready was he to go through with His Majeſties Affairs, and to hazard the ruine of his Fortune and Family; for the Treaſury of *Scotland* was ſo entirely exhauſted, that there was no Money in it. And though no Payments were made the Marquis for the great Expence he was at, yet in all his Letters to the King he never once complained of it; nor did he preſs the King to ſend him Money, except onely ten thouſand pounds *Sterlin*, which he earneſtly called for to diſtribute among the Biſhops, and other poor Miniſters who were ruined for their Duty to the King; and though this was not ſent, he ſuffered none of them to be pinched, but ſupplied them in all their ſtraits, for which the Biſhops made great Acknowledgments not onely to himſelf, but to my Lord of *Canterbury*, who returned him many thanks in their Names. Concerning all theſe particulars His Majeſty wrote to him the following Letter. The Caſtle of *Edinburgh* in the Kings hands.

Hamilton,

THe Letter that Ro. Leſley *gave me this day from you, though it be long, yet will require but Anſwer by me in two particulars; (the reſt you will find anſwered by my Lord of* Canterbury) *to wit, the Caſtle of* Edinburgh, *and the Supply of Money to the Biſhops. To the firſt I totally agree, both for the Man to be put into it, and the Summe of Three thouſand pounds* Sterlin, *if you can draw it no lower; for the other, I cannot ſay how ſoon I ſhall be able to doe it, Expence daily increaſing, and in particular the ſecuring of* Berwick *and* Carliſle *being of neceſſity to be done (as you know) in the middle of the next Moneth. But I hope in God at furtheſt before* Chriſtmaſs, *yet I cannot promiſe it with that ſecrecy that would be wiſhed: for I find the way by the Prince of* Orange *both unpracti-*

An. 1638. *cable and unſafe. So both pitying and praiſing your Pains in my Service, I reſt*

Whitehall,
8 Nov. 1638.

Your aſſured conſtant Friend,

CHARLES R.

Ruthwen made Governour, but the Caſtle is ill furniſhed.

Having got the Caſtle of *Edinburgh* into his hands, he adviſed the King to truſt Gen. *Ruthwen* (who had returned from the *German* Wars loaded with Fame) with the keeping of it; to which His Majeſty conſented. And this may ſufficiently clear the Marquis of all other Deſigns, but thoſe his Duty inſpired him with; ſince to the greateſt Truſt in *Scotland*, conſidering thoſe Times, and the Command that Caſtle hath over *Edinburgh*, he recommended one whoſe Loyalty was as invincible as his Courage. But the Marquis having viſited the Caſtle, found it in the worſt caſe imaginable, not a Muſquet but one in it, and it not for Service: very little Powder, and not a Yard of Match. The buying the Command of the Caſtle made ſo great a noiſe, that he durſt not proceed to the furniſhing it with Men, Victuals, and Arms, all which were wanting, till the firſt Heats were over, and the Body of the Covenanters had gone to *Glaſgow*; for beſides that they ſet Guards about it, had they ſet upon it, they would have infallibly carried it, by ſtarving them within, who were able to doe them no hurt. *Ruthwen* would not go to the Caſtle till it were better furniſhed, neither did the Marquis think fit to change the Captain of it too ſoon. But finding him no Covenanter, and having taken his Oath in writing, which is yet extant, never to ſurrender it but with his Life, he laid down the beſt courſe he could for furniſhing it; which he got no opportunity to doe, as we ſhall ſee hereafter.

Biſhop of *Roſs* comes from *London*.

Now was the Biſhop of *Roſs*, whom my Lord *S. Andrews* and the other Biſhops had ſent to *London*, diſpatched home again, who brought with him the following Letter from His Majeſty.

Hamilton,

I Would not anſwer your two of the 14th *and* 15th *of this moneth till I had fully diſpatched the Biſhop of* Roſs, *whom I have ſent away not onely well inſtructed, but well ſatisfied with my ways. It is true that his Inſtructions were not totally according to our Grounds, but I made him alter (I am confident) as well in Judgment as Obedience; for upon diſcourſe he much approved of my Alterations, confeſſing likewiſe, that you upon the place may find reaſon to make more; wherefore all is referred to you, as well what I anſwered, as what not: ſo leaving and recommending him to your care, I come to anſwer your laſt Letters, with the account of which I am much more ſatisfied than your other Diſpatch before; as likewiſe you have fully ſatisfied me in all my Queries, and in particular I confeſs clearly, you had reaſon to joyn the Covenanters with my honeſt Ser-*

Servants, for procuring of Subſcriptions to my Bond, becauſe I ſee the Council would have it ſo. But certainly it had been better otherwiſe, if you could have done it with their conſent. In ſhort, I am truly and fully ſatisfied with all your Proceedings, ſo that you may be confident that I am An. 1638.

Whitehall,
24 Octob. 1638.

Your aſſured conſtant Friend,

CHARLES R.

The draught of the Biſhops Declinator was reviſed by the King, and His Majeſty made divers Obſervations and Amendments with his own Hand, yet extant: which Paper, though not ſo clearly to be underſtood, unleſs the firſt draught of the Declinator were to be ſet down with it, which is not in the Writers power; yet may give ſome ſatisfaction, and at leaſt will both ſhew how tender His Majeſty was of any thing which might give new Irritations to his diſtempered Subjects, and how diligently himſelf reviewed all Papers. The Kings Obſervations on the Biſhops Declinator.

His MAJESTIES *Obſervations upon the* Declinator.

CHARLES R.

THe ſecond reaſon to be adviſed with my Lord Commiſſioner, whether or not it be ſafe at this time to except againſt the Form of the Publication of the Indiction of the Aſſembly. I.

The third is a very good reaſon againſt the Proceeding of the Aſſembly, but will not infer a Nullity. II.

In all the reaſons where the Aſſembly is called a pretended Aſſembly, it is His Majeſties Pleaſure, that the word pretended *be deleted out of the Copy ſhewed to His Majeſty.* III.

For the ſeventh reaſon, if it offend not the inferiour Clergie, His Majeſty is contented with it. IV.

In the ninth reaſon, to omit the precondemning of the Service-book, Book of Canons, and High Commiſſion. V.

The tenth reaſon is ſo full that the eighth may be totally omitted. VI.

The eleventh reaſon militates abundantly againſt all thoſe who hold ſuch Tenets, that they cannot Voice in the Aſſembly, though it infer not an abſolute Nullity of the Aſſembly. VII.

The thirteenth de loco tuto, & acceſſu tuto, *to be totally omitted.* VIII.

The fourteenth and laſt to be totally omitted. IX.

In the concluſion there is one clauſe marked by His Majeſties own Hand, which is to be omitted. X.

Whitehall, 19th October, 1638.

An. 1638 The Marquis having got clear Directions in every particular, (for not ſo much as the Speech he was to have at *Glaſgow* but was ſent up, and returned with the Kings Superſcription, a few lines of the firſt draught being onely daſhed out by His Majeſty;) he reſolved to ſet out for *Glaſgow* on the 16th of *November*. But before he went he declared in Council, that His Majeſties poſitive Pleaſure was, that Epiſcopacy might be limited, but not aboliſhed; and delivered them a Letter from the King, commanding them to follow him to *Glaſgow*; and required the Kings Advocate to prepare himſelf to defend Epiſcopacy to be according to the Laws of *Scotland*, he anſwered, that it was againſt his Conſcience to doe ſo, and that he judged Epiſcopacy both contrary to the Word of God, and to the Laws of this Church and Kingdom. This brisk Anſwer, though it was no ſurprize to the Marquis, put his temper to a greater trial than any thing he met with in *Scotland*: he threatned him with taking his Place from him, but he anſwered him boldly, that his Right to it was ratified in Parliament. So he could do no more for that time but command him not to come to *Glaſgow*, which he obeyed.

The Marquis goes to *Glaſgow*. On the 17th of *November* the Marquis came to *Glaſgow*, and thither came to him a Letter from the Biſhops of *Roſs* and *Brechin*, whom he left in *Hamilton* till he had opportunity of conveying them ſecurely to the Caſtle of *Glaſgow*, which he did. The night after he received the Letter that follows.

May it pleaſe your Grace,

WHat came from my Lord S. Andrews *is herewith encloſed. We humbly and heartily thank your* Grace *for your exceſſive favour and kindneſs towards us; we muſt take it the more kindly, that we know at ſuch a time it is to let others ſee what reſpect your Grace carries to our Coat: for our ſelves we could more willingly chuſe a more ſober diet and leſs eaſe; conſidering our own Sins, and the difficulties of the Times, do admoniſh us rather to faſt than feaſt, to afflict our Souls rather than to reliſh any worldly pleaſure. But above all we two for our ſelves, and in name of our Brethren, do with moſt thankful hearts acknowledg your* Graces *moſt pious care of the Liberties of this poor diſtreſſed and diſtracted Church; and eſpecially the ſollicitude and care your* Grace *hath, that our Proteſtation be orderly done, ſecretly kept, and ſeaſonably preſented, before either the Cauſe, or we that are Biſhops, ſuffer wrong. It is that which now concerneth us moſt and is deareſt to us, both for Conſcience before* God, *and our credit to the preſent Age and future; and we cannot expreſs how happy we are to have in this Exigent ſuch a Pious and Noble Patron, careful and ſollicitous with the moſt tender affection both of our Cauſe and Perſons, where otherwiſe (with the greateſt loſs, at leaſt hazard, can be, to diſcharge our Duty to* God *and his Church) we ſhould be neceſſitated to doe it our ſelves, and haply neither with ſo much ſafety nor honour. God will reward your* Grace *we are confident, and bleſs your* Grace *and yours; for we dare aver in this Diviſion your* Grace *hath made choice of the better part. The Difficulties are great, the Hopes none, but too pregnant Fears to the contrary; yet it is the more like to be* Gods *Cauſe, that his Work may appear: and it may be called* digitus Dei, *and marvellous in our eyes. Mans extremity is* Gods *opportunity.*

We have given Doctor Hamilton *our beſt directions, which we ſubmit humbly to your* Graces *better Judgement, to add and command what you think*

think fit: he needs no more Deputation, but the inſerting of his Name in the Procuratory, which is in the cloſe of the Declinator. Above all we have recommended to him, a care that it may be timeouſly preſented; but in this we truſt only to your Grace. An. 1638.

As we pity the Difficulties your Grace is caſt into, ſo ſhall we be earneſt ſupplicants to God Almighty, to bleſs and preſerve your Grace in this and all other Services, wherewith God and His Majeſty hath truſted you.

Your Graces moſt humble
and bounden Servants,

Hamilton, Nov. 20.
1638.

John Roſſen.
Wal. Brechinen.

POSTSCRIPT.

What goes from my Lord of St. Andrews *directed to me, I beſeech your Grace to open and read for your own uſe.*

Becauſe of an ambiguous word which was in the Paper the Marquis was to offer in His Majeſties Name to the Aſſembly, ſo ſtrictly conſcientious was His Majeſty, that he wrote His ſenſe of it in the following Letter that found him at *Glaſgow*. The ſtrictneſs of his Majeſties Conſcience.

Hamilton,

THis is rather to give the reaſon of My Anſwer than the Anſwer it ſelf, (you being to receive it at large by My Lord of Canterbury.) *The truth is, that the ſame reaſon which made me blot out the whole Sentence before, hath made me deſire to alter a word now; to wit, that I ſhould not be thought to deſire the aboliſhing of that in* Scotland, *which I approve and maintain in* England, *namely the Five Articles of* Perth: *now the word* content *expreſſes enough my conſent to have them ſurceaſe for the preſent; but the word* pleaſed, *methinks imports as much as if I deſired them to take them away, or at leaſt were well-pleaſed that they ſhould doe ſo. But I leave it to your ordering, ſo that you make it be clearly underſtood, that though I permit, yet I would be better pleaſed if they would let them alone; and ſo I reſt,*

Whitehall 21th of
Novemb. 1638.

Your aſſured conſtant Friend,

CHARLES R.

At *Glaſgow* the Marquis found the greateſt confluence of People, that perhaps ever met in theſe parts of *Europe* at an Aſſembly. On the 21th they ſate down; Mr. *Bell* Miniſter of *Glaſgow* preached, as the Marquis had ordered. The Marquis judged it was a ſad ſight to ſee ſuch an Aſſembly, for not a Gown was among them all, but many had Swords and Daggers about them: when they were ſet he as Lord Commiſſioner begun with this Speech. The Aſſembly ſits at *Glaſgow*.

My

An. 1638.

The Marquis his Speech.

My Lords, and the reſt of this Reverend Aſſembly,

"THE making of long Harangues is not ſuitable either with my "Education or Profeſſion, much leſs with this Time, which now "after ſo much Talking ought to be a time of Action.

"I pray God that as a great (and I hope the worſt) part of mens "Spirits hath been evaporated into bitter and invective Speeches, ſo "the beſt and laſt part of them may be reſerved for Deeds, and theſe "anſwerable to the Profeſſions which have been made on all ſides "when this great Aſſembly ſhould come.

"For the Profeſſions which have been made by Our Sacred Sove-"raign (whom God long preſerve to reign over us) I am come hither "by His command to make them good to His whole People, whom to "His grief He hath found to have been poyſoned (by whom I know "not well, but God forgive them) with miſconceits of His Intentions, "concerning the Religion profeſſed in this Church and Kingdom. "But to rectifie all ſuch Miſconceptions of His Subjects, His Majeſties "deſire is, that before this Aſſembly proceed to any thing elſe, His "Subjects may receive ample and clear ſatisfaction in theſe Points, "wherein His Majeſties gracious Intentions have been miſdoubted, or "glanced at, by the malevolent Aſpects of ſuch, as are afraid that His "Majeſties good Subjects ſhould ſee His clear mind through any other "Glaſſes or Spectacles, than thoſe they have tempered and fitted for "them.

"Thoſe ſiniſtrous Aſperſions, diſperſed by ſurmizes, have been eſpeci-"ally two; firſt, as if there had been in His Majeſty, if not ſome Inten-"tion, yet at leaſt ſome inclination, to give way, if not to Alterations, "yet to ſome Innovations in the Religion profeſſed in, and eſtabliſhed "by the Laws of this Church and Kingdom.

"I am confident that no man can harbour or retain any ſuch thought "in his breaſt any more, when His Majeſty hath commanded that Con-"feſſion of Faith, (which you call the Negative) to be ſubſcribed by "all His Subjects whatſoever, and hath been Graciouſly pleaſed to "put the Execution of this His Royal Command in your own hands.

"The next falſe, and indeed foul and deviliſh Surmize, wherewith "His good Subjects have been miſ-led, is, that nothing promiſed in His "Majeſties laſt moſt Gracious Proclamation (though moſt ungraci-"ouſly received) was ever intended to be performed, nay, not the "Aſſembly it ſelf; but that only Time was to be gained, till His Maje-"ſty by Arms might oppreſs this His Own Native Kingdom; than which "Report Hell it ſelf could not have raiſed a blacker and falſer.

"For that part which concerneth the Report of the Intention of "not holding the Aſſembly, this Day and Place, as was firſt promiſed "and proclaimed, (thanks be to God) confuteth that Calumny abun-"dantly; for the other of making good what His Majeſty did promiſe "in His laſt Gracious Proclamation, His Majeſty hath commanded me "thus to expreſs His Heart to all His good Subjects.

"He hath ſeriouſly conſidered all the Grievances of His Subjects, "which have been preſented to Him, by all and ſeveral of their Pe-"titions, Remonſtrances, and Supplications, exhibited unto Himſelf, "His Commiſſioner, and Lords of His Secret Council, and hath gra-"ciouſly granted them all; and as He hath already granted as far as

"could

"could be by Proclamation; ſo he doth now deſire, that His Subjects *An.* 1638.
"may be aſſured of them by Acts of this General Aſſembly, and after-
"wards by Acts of Parliament *reſpective*.

"And therefore he not onely deſires, but commands, that all the Par-
"ticulars he hath promiſed be firſt gone in hand with in this Aſſembly,
"and enacted, and then afterwards what His Subjects ſhall deſire being
"found reaſonable may be next thought upon, that ſo it may be known
"to God and the whole World, and particularly to all His good Sub-
"jects, how careful His Majeſty is to diſcharge himſelf of all His Graci-
"ous Promiſes made to them; hoping that when you ſhall ſee how
"Royally, Graciouſly, and Faithfully His Majeſty hath dealt with you,
"and all His Subjects, you will likewiſe correſpond in loyal and dutiful
"Obedience, in chearful but calm and peaceable Proceeding, in all o-
"ther buſineſs to be treated of in this Aſſembly: and becauſe there ſhall
"be no miſtake, I ſhall now repeat the Particulars, that you may ſee
"they are the ſame which were promiſed by His Majeſties firſt Pro-
"clamation.

To this I ſhall adde the Paper of His Majeſties Conceſſions taken from the Original, wherein His Majeſty had interlined and daſhed out ſome things with his own Pen.

CHARLES R.

THe Kings Majeſty being informed, that many of His good Subjects have apprehended, that by the introduction of the Service-book and Book of Canons, the in-bringing of Popery and Superſtition hath been intended, is Graciouſly pleaſed to diſcharge the ſaid Books, and to annul all Acts made for eſtabliſhing thereof; and for His good People their further ſatisfaction, is Graciouſly pleaſed to declare by me, that no other in that kind ſhall hereafter be introduced, but in a fair and legal way of Aſſembly, allowed by Act of Parliament, and the Laws of this Kingdom. The Kings Offers to the Aſſembly.

The Kings Majeſty, as he conceived for the eaſe and benefit of the Subjects, eſtabliſhed the High Commiſſion, that thereby Juſtice might be adminiſtred, and the Faults and Errours of ſuch perſons as are made liable thereto taken order with, and puniſhed with the more convenience, and leſs trouble to the People: but finding His Gracious Intentions to be herein miſtaken, hath been pleaſed, likeas he is Graciouſly content, that the ſame be diſcharged, with all Acts and Deeds made for the eſtabliſhing thereof; and is pleaſed to declare by me, That that Court or Judicatory, nor no other of that nature, ſhall be brought in hereafter, but in that way allowed by the Laws of this Kingdom.

And the Kings Majeſty being informed, that the urging of the five Articles of Perth's *Aſſembly hath bred Diſtraction in the Church and State, hath been Graciouſly pleaſed to take the ſame into His conſideration, and for the quiet and peace of Church and State, doth not onely diſpenſe with the practice of the ſaid Articles, but alſo diſcharges, and by theſe hath diſcharged, all and whatſoever Perſons from urging the practice thereof, upon either Laick or Eccleſiaſtick perſon whatſoever: and doth hereby free all His Subjects from all Cenſure and Pain, whether Eccleſiaſtical or Secular, for not urging, practiſing, or obeying them, or any of them, notwithſtanding any thing contained in the Acts of Parliament or General Aſſembly, to the contrary.*

And becauſe it is pretended, that Oaths have been adminiſtred to Miniſters at their entry contrary, and differing from that which is ſet down in the

Acts

An. 1638. *Acts of Parliament, His Majeſty is pleaſed to declare and ordain, that no other Oath ſhall be required of any Miniſter at his entry, than that which is expreſly ſet down in the Acts of Parliament: and this He is content be conſidered of in the Aſſembly, to be repreſented to the Eſtates of Parliament, and enacted as they ſhall find expedient.*

And that it may appear how careful His Majeſty is that no Corruption or Innovation ſhall creep into this Church, neither any ſcandal, vice, or fault of any perſon whatſoever cenſurable or puniſhable by the Aſſembly, go unpuniſhed, it is His Majeſties Pleaſure, likeas by theſe His Majeſty does aſſure all His good People, that hereafter General Aſſemblies ſhall be kept as oft as the Affairs of this Kirk ſhall require: and to this purpoſe, becauſe it is probable that ſome things neceſſary for the preſent Eſtate and Good of this Church may be left unperfected at this preſent Aſſembly, We do by theſe indict another Aſſembly to be holden at And that none of Our Subjects may have cauſe of Grievance againſt the Procedure of Prelats, Our Pleaſure is, that all and every one of the preſent Biſhops, and their Succeſſours, ſhall be anſwerable, and accordingly from time, to time cenſurable according to their Merits by the Aſſembly, which His Majeſty is likewiſe pleaſed be enacted in this preſent Aſſembly, and thereafter ratified in Parliament.

And to give all His Majeſties good People good aſſurance that he never intended to admit any Alteration or Change in the true Religion profeſſed within this Kingdom, and that they may be truly and fully ſatisfied of the Reality of His Intentions towards the maintainance of the Truth and Integrity of the ſame, His Majeſty hath been pleaſed to require and command all His good Subjects to ſubſcribe the Confeſſion of Faith, ſubſcribed by His dear Father in Anno 1580. *and for that effect hath ordained the Lords of His Privy Council to take ſome ſpeedy courſe whereby the ſame may be done thorough the whole Kingdom; which His Majeſty requires likewiſe all thoſe of this preſent Aſſembly to ſign, and all others His Subjects, who have not done it already: and it is His Majeſties Will, that this be inſerted and regiſtred in the Books of this Aſſembly, as a Teſtimony to Poſterity, not onely of the ſincerity of His Intentions to the ſaid true Religion, but alſo of His Reſolution to maintain and defend the ſame, and His Subjects in the profeſſing thereof.*

C. R.

The Marquis conſults the Biſhops how to proceed,

The Marquis ſent a Gentleman to ask the advice of the Biſhops then in the Caſtle of *Glaſgow* about the particular way of his Procedure in the Aſſembly, from whom he had the following Letter.

My Lord, may it pleaſe your Grace,

who write to him.

THis Worthy Gentleman hath deſired my Judgment concerning three things: firſt, concerning the production of a Letter from His Majeſty to the Aſſembly, directed to the Archbiſhops, Biſhops, and Miniſters, whether or not this can be produced, and any Note made upon it, before there be a Moderator condeſcended upon. My humble Opinion is, (which I humbly ſubmit to your Graces better Judgment) that the Letter be preſented, given by your Grace to the Clerk, and read by him. Here it is moſt like your Grace will be preſſed, that the Letter is directed to an Aſſembly that cannot be without a Moderator, and yet on purpoſe to get a Moderator by Election, and an Aſſembly eſtabliſhed; to which in my Judgment it may be replied, that it may be that the Kings Letter containeth ſomething to that purpoſe, which therefore is to be read, and noted by the Clerk as produced onely. The ſecond is concerning the Examination of the Commiſſions and Commiſſioners: My Lord, it is cer-

certain that both are moſt illegal, and there is more than ſufficient ground from this one (if there were no more) to void this Aſſembly and make it null. But how to begin at this I ſee not ſo well, for if the Commiſſions and Commiſſioners be rejected, then how ſhall the Kings Real and Royal Intentions be manifeſt to the Subjects, which is moſt neceſſary, that the Factious may not have advantage to poſſeſs good and loyal Subjects, that His Majeſtie is onely deluding them for other ends. On the other part, if your Grace *approve the Commiſſions and Commiſſioners, how far King and Church ſhall ſuffer, your* Grace *is wiſer to conceive than I am able to expreſs. The third is concerning the Declinator, when it ſhall be propoſed or preſented to your* Grace; *My Lords of* Glaſgow *and* Brechin *are fully of that mind, that at the very firſt it is to be uſed before the Aſſembly be eſtabliſhed: their Reaſons ſeem very pregnant, firſt, becauſe all Declinators are uſed ſo; next, if the Aſſembly be once eſtabliſhed, how can it be declined, or your* Grace *admit our Declinator or Proteſtation?*

An. 1638.

My Lord, ſeeing two things are mainly to be look'd to, the one that His Majeſties Pious Intentions be made known to this preſent Meeting; the other, that the Church ſuffer no prejudice; my humble Opinion is, that firſt the Kings Letter (as I have ſaid) be read, and marked Produced; *next immediately after, our Declinator produced, and preſented to your* Grace, *read in audience of all, Inſtruments taken in the Clerk-Regiſters hands, and it marked by the Clerk* Produced. *Then your* Grace *may by your own Wiſdom conceive a brief Speech, excuſing your ſelf that you are not ſo well acquainted with the Formalities and Legalities of Church-meetings; yet that ſeeing in ſuch Diſtractions and Combuſtions all things cannot be done in that orderly way is requiſite, and that your* Grace *does know how that, with a moſt earneſt and Fatherly Care, His Majeſty endeavours the binding up of this Breach, and the reſtoring of Church and State to Quiet and Peace, and that your* Grace *for that Duty you owe to your Maſter, and Love you have to your Native Country, will leave nothing undone that is in your power, and incumbent to a faithful Servant and kind Patriot, and therefore will adventure to chuſe rather to erre in formal Errours: than to leave ſo material and neceſſary a Work at ſuch an exigent of time; and ſo ſeeing there is no Archbiſhop nor Biſhop preſent, your* Grace *by connivence will permit them (for how your* Grace *can allow it I ſee not) to chuſe a Moderator, and will not fall upon that ſhelve or rock of Examination of Commiſſions or Commiſſioners; being confident that if matters go on in a moderate way, what ſhall be agreed upon ſhall be liked by all, even thoſe that are taken to be their Party; and what is amiſs in Formality and Legality, if no errour be in the matter of the Concluſions, may moſt eaſily and ſpeedily be helped. After the Moderator is condeſcended upon, the firſt thing your* Grace *would urge is the Regiſtrating the Kings Letter in the Books of the Aſſembly, then the Regiſtrating of our Declinator. After this your* Grace *will be careful, that nothing be propoſed till what is in His Majeſties Declaration be enacted, and if (this being done) they fall upon any extravagancy, your* Grace *then may by advice of the Council declare, that ſeeing they will not hold Moderation, your* Grace *and the Council muſt examine their Commiſſions and Commiſſioners, (to which before you gave connivence) and diſcuſs the relevancy of our Declinator.*

This Courſe keeped, in my poor Judgement, will fully manifeſt to all His Majeſties pious Intentions, evidence your Graces *ſincere affection to Religion and the Kingdom, preſerve our Right, make them unexcuſable, let the People ſee how unreaſonable and immoderate they are, and give to your* Grace *a fair way and ground, to diſcontinue and diſcharge the Meeting under pain of*

An. 1638. *Treaſon. This my weak and poor opinion I have made bold to declare to your Grace, not out of any confidence in my ſelf, but neceſſitated becauſe of that Obedience I owe your Grace, and true affection to the Peace of Church and State, which with my ſelf, and all my endeavours, I humbly proſtrate to you, and ſubmit to your Graces better Judgement.*

I humbly beg of your Grace to let me know by this Gentleman, what ſhall be done with our Declinator, and let him come and ſpeak with my Lords of Glaſgow, Brechin, *and me, that we may be acquainted by him of your Graces commands. God in his mercy bleſs you in this difficult Work.*

Caſtle of *Glaſgow* 22th *Nov.* 1638. at 7 a clock in the morning.

Your Graces moſt humble and bounden Servant,

JO. ROSSEN.

The Conſtitution of the Aſſembly.

They were about two hundred and ſixty Commiſſioners: beſides that from every Presbytery there were alſo Aſſeſſors, from ſome two, three, four, or more who pretended to no Vote, but only to give Advice; ſo that in all they made a great number. Some Commiſſioners there were who could neither read nor write, and yet theſe were to judge of Hereſie, and condemn *Arminius* his points. All depended on a few that were more Learned and Grave, who gave Law to the reſt. The Marquis ſtaved off the chooſing of the Moderator the firſt day, and deſired them firſt to receive in the Commiſſions, and examine their Elections: but he ſoon foreſaw he could not run a great way with them, and that they were reſolved ſtoutly to diſobey, and were beginning in their Cabals to threaten to ſeize on his Perſon, and on ſuch of the Council as ſhould withſtand them. But he reſolved not to quit the Grounds were laid down to him, follow on it what would; yet finding afterwards, that there were ſurmizes of Deſigns upon his Life, he judged himſelf bound to let His Majeſty know all he underſtood of the Affairs of *Scotland* ſince his laſt coming from Court. Therefore he ſent up Sir *James Hamilton*, with a full account of all matters, containing likewiſe the Characters of all the Councellours, together with his Advice to His Majeſty, how to reduce the Country to his Obedience: thoſe he commended moſt to the King, and of whoſe Adherence he had received the fulleſt aſſurances, were my Lords of *Traquair*, *Roxburgh*, *Perth*, *Tullibardin*, *Kinnoul*, *Seaforth*, *Lauderdale*, *Southesk*, *Hadingtown*, and *Daliel*; but above all the Marquis of *Huntley*, whoſe cordial affection to His Majeſties Service he highly magnified. His advice was, that *Berwick* and *Carliſle* ſhould be ſecured, of which he put the King in mind almoſt in every Letter; that His Majeſty was to ſend a Fleet of ſome of his Ships to lie in the *Frith*, and to be plying from that to the North, to block up their Trade; and alſo ſome others to ply from the *Mule* of *Galloway* to *Kintire*, marking to the King the Roads and Harbours whither they might retire. Next, His Majeſty was to come down with a Royal Army, and this he was aſſured would either teach them or force them to Reaſon: but becauſe upon a Rupture they in *Scotland* would no doubt preſently fall on thoſe who adhered to His Majeſty, therefore he adviſed that there might be Commiſſions of Lieutenantries ſent to the Marquis of *Huntley* for the North, and to the Earls of *Traquair* and *Roxburgh* for the South, that all might gather to them upon

The Marquis gives the King a full account of the State of Affairs.

upon the Breach. He alſo ſpared not to ſhew the King how the Biſhops had miſcarried, and that their Ambition had been great, but their Folly greater. His Majeſty expreſſed His ſenſe of this Diſpatch in the following Letter. *An.* 1638.

Hamilton,

I Have ſent back this honeſt Bearer both for ſafety of my Letters, and to eaſe me from length of Writing, therefore in a word I thank you for your full and clear Diſpatch, totally agreeing with you in every point thereof, as well in the Characters of Men, as in the Way you have ſet down to reduce them to Obedience: onely the time when to begin to act is conſiderable; to this end I have fully inſtructed this Bearer with the ſtate of my Preparations, that you may govern your buſineſs accordingly. Onely I muſt tell you, that you have given me ſo good ſatisfaction, that I mean not to put any other in the chief Truſt in theſe Affairs but your ſelf. So remitting you to this Bearer, I reſt

Whitehall,
3 Decemb. 1638.

Your aſſured conſtant Friend,

CHARLES R.

The Affairs of the Aſſembly.

At *Glaſgow* on the ſecond day of the Aſſembly's Sitting they went to the Election of the Moderator; but the Marquis deſired that they might firſt hear His Majeſties Letter, which thereupon was read. After that he moved that they would read the Biſhops Declinator, which was preſented to him by Dr. *Hamilton*; but that they refuſed, ſaying, they muſt firſt be conſtituted before they could conſider of any buſineſs. Upon this he proteſted, which with all the other Inſtruments that he took, is yet extant under the Clerk of Regiſters hands. Mr. *Henderſon* was choſen Moderator. Then the Marquis deſired that his Aſſeſſors, who were onely ſix, to wit, the Earls of *Argyle*, *Traquair*, *Roxburgh*, *Lauderdale*, and *Southesk*, and Sir *Lewis Stewart*, might alſo have a Suffrage: but this was refuſed, and ſo they would give the King but one ſingle Vote, though the Town of *Edinburgh* had two in their Aſſembly. Upon this alſo the Marquis took Inſtruments, according to the *Scotiſh* Forms: and thus for a few days he went on in the Aſſembly, proteſting at every ſtep; but as he was conſulting what to doe, he received the following Letter.

Hamilton,

CConcerning our Preparations here I have commanded the Comptroller to give you a full account, of which you may take publick notice, and declare, That as their Carriage hath forced me to take care to arm my ſelf againſt any Inſolence that may be committed: ſo you may give aſſurance that my care of Peace is ſuch, that all thoſe Preparations ſhall be uſeleſs, except they firſt break out with inſolent

An. 1638. *Actions.* *Now for Anſwer to your Letter, it was never heard that one ſhould be both Judge and Party: beſides, the Lawfulneſs of the Judicatory muſt be condeſcended upon, before any Cauſe can be therein lawfully determined; therefore I ſay that the Aſſembly can in no caſe be Judge of their own Nullities: yet you have reaſon, not onely to make good what I have promiſed, but alſo to promiſe them a new Aſſembly, upon the amendment of all the Faults and Nullities of this. I approve of both your Bargains, and ſhall take care that you ſhall not loſe by them, and ſo I reſt*

Whitehall,
17 Nov. 1638.

Your aſſured conſtant Friend,

CHARLES R.

And two days after that he got the following Letter.

Hamilton,

THis is rather to ſhew you, that I do not forget you nor your pains, than for any Anſwer that your laſt Leter needs, it being more of Accounts than Demands. Onely I ſhall tell you, that you needed not to have made an Excuſe for asking the Ten thouſand pounds Sterlin; *for I know that there is but too much uſe for it, and the more I conſider it, I find you have the more reaſon: therefore I aſſure you, that what may be done ſhall be done in this, and with what ſpeed is poſſible; and ſo I reſt*

Whitehall,
21 Nov. 1638.

Your aſſured conſtant Friend,

CHARLES R.

His Majeſty was alſo pleaſed to take ſuch notice of Dr. *Balcanqual*, as to write the following Letter about him.

Hamilton,

I Have heard this day that the Dean of Durham *is dead, for the diſpoſing of which Place, though I may have many Suiters, and (which is more) though heretofore I have had divers Intentions upon the diſpoſing of that Place, for the better accommodating of my Service, the reaſon of which is now as forcible as ever; yet I have thought fit not to diſpoſe of it till I might (if your ſtay be not longer than I expect) ſpeak with you: and to ſhew you that I am not unmindful of the daily pains that at this time* Balcanqual *takes in my Service, I would let you ſee the caſe before I diſpoſe of it, and have your*

your Opinion, if he might not ſtay a little longer for another nearer my eye, and yet not diſhearten him, when it may accommodate my Service another way; and ſo I reſt An. 1638.

Your aſſured conſtant Friend,

CHARLES R.

The Aſſembly went on at ſuch a rate that the Marquis judged it no longer fit to bear with their Courſes; for all Elections, how diſorderly ſoever, were judged good; their ears were ſhut upon Reaſon, and the Biſhops Declinator being read was rejected, and an Anſwer drawn: wherefore on the 28th in the morning he call'd a Council in the Chapter-Houſe, and told them he was neceſſitated to diſſolve the Aſſembly, and gave his Reaſons for doing it, uſing much induſtry to gain them to concur with him in it. The Earl of *Argyle* asked if he was to deſire the Councils Approbation of what he intended, or not: the Marquis anſwered, his Inſtructions from His Majeſty were clear and poſitive for what he was to doe, and therefore it was not in his Power to let any Debate be whether he ſhould doe it, or not; onely he deſired their concurrence and advice as to the manner of doing it. Two hours were ſpent in Diſcourſe, but clear advices were not given from any of them: from thence the Marquis went to the Church where the Aſſembly ſate, and after he ſate long a Witneſs to ſome Debates were among them, it was offered to be put to the Vote, whether the Aſſembly was a free Aſſembly notwithſtanding the Biſhops Declinator, or not; upon which the Marquis knowing well how the Vote would run, roſe up and ſaid. The Marquis reſolves to diſſolve the Aſſembly.

"I Find this day great contrarieties of Humours in my ſelf, firſt, cauſe "of Joy; next, cauſe of Sorrow: cauſe of Joy, in making good "what hath been promiſed by His Majeſty; cauſe of Sorrow, in that I "cannot make further known His Majeſties Pious Intentions. His Speech at the Diſſolution.

"You have called for a Free General Aſſembly: His Majeſty hath "granted you one, moſt Free on his part, and in his intentions; but as "you have handled and marred the matter, let God and the World "judge, whether the leaſt ſhadow or footſtep of Freedom can be diſ-"cerned in this Aſſembly, by any man who hath not given a Bill of "Divorce both to his Underſtanding and Conſcience. With what wreſt-"ing and wringing your laſt Proteſtation charges His Majeſties laſt Gra-"cious Proclamation in the point of Prelimitations, is both known and "miſliked by many even of your own pretended Covenant; but whether "your Courſes, eſpecially in the Elections of the Members of this Aſſem-"bly, be not onely Prelimitations of it, but ſtrong Bars againſt the Free-"dom of it, nay utterly deſtructive both of the Name and Nature of a "Free Aſſembly, and unavoidably inducing upon it many and main Nul-"lities, will be made manifeſt to the whole World.

"But His Majeſties Sincere Intentions being to perform in a lawful As-"ſembly all he hath promiſed in his Gracious Proclamation, if you find "out a way how theſe things may paſs, and be performed even in this

"As-

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An. 1638. "Aſſembly, ſuch as it is, and yet His Majeſty not made to approve any "way the Illegalities and Nullities of it, for ſatisfying all His Majeſties "good Subjects of the Reality of his Meaning; I am by His Majeſties "ſpecial Command ready to doe it, and content to adviſe with you how "it may be done.

And after this he cauſed read His Majeſties Conceſſions, as they had been before proclaimed: upon which he took Inſtruments, that by producing and ſigning of them, firſt, his Majeſties Intentions were made known; next, that in the producing and deliverſing of them, the Lawfulneſs of the Aſſembly was not acknowledged. After that he went on, and diſcourſed againſt the Conſtitution of the Aſſembly in the following words.

"But now I am ſorry I can go on with you no more, for the ſad part "is yet behind, about Ruling-elders; for neither Ruling-elders, nor any "Miniſter choſen Commiſſioner by Ruling-elders, can have voice here, "becauſe no ſuch Election is warranted, either by the Laws of this "Church or Kingdom, or by the practice or cuſtom of either: for "even that little which appeareth to make for thoſe Elders in the Book "of Diſcipline, hath at this time been broken by you, there being more "Lay-elders giving votes at every one of thoſe Elections, than there "were Miniſters, contrary to the Book of Diſcipline; as in *Lanerick* but "eight Miniſters, and eighteen or nineteen Lay-elders; and ſo in divers "other Presbyteries: and in every Presbytery, when the Miniſters up-"on the Liſt were removed, the remaining Elders exceeded far the re-"maining Miniſters. But ſay there were Law for thoſe Lay-elders, the "interruption of the execution of that Law, for above 40 years, makes "ſo ſtrong a Preſcription againſt it, that without a new reviving of that "Law by ſome new Order from the General Aſſembly, it ought not a-"gain be put in practice; for if His Majeſty ſhould put in practice, and "take the Penalties of any diſuſed Laws without new intimations of "them from Authority, it would be thought by your ſelves very hard "dealing.

"To ſay nothing of that Office of Lay-elders, it being unknown to "the Scripture or Church of Chriſt for above 1500 years, let the World "judge whether thoſe Laymen be fit to give Votes in inflicting the Cen-"ſures of the Church, eſpecially that great and higheſt Cenſure of Ex-"communication, none having power to caſt out of the Church by that "Cenſure, but thoſe who have power to admit into the Church by "Baptiſm: and whether all the Lay-elders here preſent at this Aſſembly "be fit to judge of the high and deep Myſteries of Predeſtination, of "the Univerſality of Redemption, of the Sufficiency of Grace given, or "not given to all men, of the Reſiſtibility of Grace, of total and final "Perſeverance, or Apoſtaſie of the Saints, of the Antilapſarian or Poſt-"lapſarian Opinion, of Election and Reprobation; all which they mean "to ventilate, if they do determine againſt the *Arminian*, as they give out "they will.

"In many Presbyteries theſe Lay-elders diſagreed in their Elections "wholly, or for the moſt part, from the Miniſters, and carried it from "them by number of Votes, though in all reaſon the Miniſters them-"ſelves ſhould beſt know the abilities and fitneſs of their Brethren: and

"this

"this was done in the Presbyteries of *Chirnſide*, *Linlithgow*, *Aberdeen*, and *An.* 1638.
"divers more.

"How can theſe men now elected be thought fit to be Ruling-elders,
"who were never Elders before, all or moſt part of them being choſen
"ſince the Indiction of the Aſſembly, ſome of them but the very day
"before the Election of their Commiſſioners; which demonſtrates plain-
"ly, that they were choſen onely to ſerve their Aſſociates turn at this
"Aſſembly?

"Since the Inſtitution of Lay-elders by your own Principles is to
"watch over the Manners of the People in the Pariſh in which they
"live, how can any man be choſen a Ruling-elder from a Presbytery,
"who is not an inhabitant within any Pariſh of that Presbytery, as
"hath been done in divers Elections, againſt all Law, Senſe, or Rea-
"ſon?

"By what Law or Practice was it ever heard, that young Noblemen,
"or Gentlemen, or others, ſhould be choſen Rulers of the Church, be-
"ing yet Minors, and in all Conſtruction of Law thought unfit to ma-
"nage their own private Eſtates, unleſs you will grant that men of
"meaner Abilities may be thought fit to rule the Church, which is the
"Houſe of God, than are fit to rule their own private Houſes, Families,
"and Fortunes?

"By what Law can any Ruling-elder be ſent to a Presbytery to give
"Vote in any thing, eſpecially in chuſing Commiſſioners for the Gene-
"ral Aſſembly, who is not choſen for that purpoſe by the Seſſion of that
"Pariſh in which he is a Ruling-elder? And who gave power to the
"Miniſter of every Pariſh, to bring with him to the Presbytery for that
"purpoſe any Ruling Elder of his Pariſh whom he pleaſed?

"But it is well known, that divers Elders gave Votes in theſe Presby-
"teries to the Elections of ſome Commiſſioners here, who were not cho-
"ſen by the Seſſions of their ſeveral Pariſhes to give Votes in thoſe Pres-
"byteries; and therefore ſuch Commiſſioners as were choſen by ſuch
"Lay-elders can have no Vote here.

"By what Law or Practice have the ſeveral Pariſhes or Presbyteries
"choſen Aſſeſſors to their Ruling-elders, without whoſe conſent ſome
"of the Commiſſioners here preſent are ſworn not to vote to any
"thing?

"This introducing of Ruling-elders is a burthen ſo grievous to the
"Brethren of the Miniſtry, that many of the Presbyteries have proteſt-
"ed againſt it for the time to come, ſome for the preſent, as ſhall ap-
"pear by divers Proteſtations and Supplications ready to be here exhi-
"bited.

"For the Miniſters choſen Commiſſioners hither, beſides that the fit-
"teſt are paſſed by, and ſome choſen who were never Commiſſioners of
"any Aſſembly before, that ſo they might not ſtand for their own Li-
"berty in an Aſſembly of the nature whereof they are utterly ignorant,
"choice hath been alſo made of ſome who are under the Cenſure of the
"Church, of ſome who are deprived by the Church, of ſome who have
"been baniſhed and put out of the Univerſity of *Glaſgow*, for teaching
"their Scholars that Monarchies were unlawful, ſome baniſhed out of
"this Kingdom for their Seditious Sermons and Behaviour, and ſome for
"the like Offences baniſhed out of another of His Majeſties Kingdoms,
"*Ireland*, ſome lying under the fearful Sentence of Excommunication,

"ſome

An. 1638. "ſome having no Ordination nor Impoſition of Hands, ſome admitted "to the Miniſtry contrary to the ſtanding Laws of this Church and "Kingdom, all of them choſen by Lay-elders; what a Scandal were it to "the Reformed Churches to allow this to be a lawful Aſſembly, con- "ſiſting of ſuch Members, and ſo unlawfully choſen?

* That is, under a Writ of Outlawry.

"Of this Aſſembly divers who are choſen are at the * *Horn*, and ſo "by the Laws of this Kingdom are uncapable of ſitting as Judges in any "Judicatory.

"Three Oaths are to be adminiſtred to every Member of this Aſſem- "bly, the Oath for the Confeſſion of Faith, lately renewed by His Ma- "jeſties Commandment, the Oaths of Allegeance and Supremacy; and "whoſoever ſhall refuſe any of theſe, cannot be a Judge in any Judica- "tory of this Kingdom; and therefore reſolve preſently whether you "will take them or not.

"You have cited the Reverend Prelats of this Land to appear before "you by a way unheard-of, not only in this Kingdom, but in the whole "Chriſtian World, their Citations being read in the Pulpits, which is "not uſual in this Church; nay, and many of them were read in the "Pulpits after they had been delivered into the Biſhops own hands. "How can His Majeſty deny unto them, being His Subjects, the benefit of "His Laws, in declining all thoſe to be their Judges, who by their Cove- "nant do hold the principal thing in queſtion, to wit, Epiſcopacy to be "abjured, as many of you do? or any of you to be their Judges, who "do adhere to your laſt Proteſtation, wherein you declare, that it is an "Office not known to this Kingdom, although at this preſent it ſtand "eſtabliſhed both by Acts of Parliaments, and Acts of General Aſſem- "blies? Who ever heard of ſuch Judges as have ſworn themſelves Par- "ties? And if it ſhall be objected, that the Orthodox Biſhops in the firſt "four and other General Councils could not be denied to be compe- "tent Judges of the Hereticks, though beforehand they had declared "their Judgments againſt their Hereſies: it is eaſily anſwered, that in "matters of Hereſie no man muſt be patient, ſince in Fundamental points "of Faith a man cannot be indifferent without the hazard of his Salvati- "on, and therefore muſt declare himſelf to be on Chriſts ſide, or elſe "he is againſt him; but in matters of Church-government and Policy, "which by the Judgment of this Church in the 21th Article of our Con- "feſſion is alterable at the will of the Church, it is not neceſſary for any "man who means to be a Judge, to declare himſelf, eſpecially againſt "that Government which ſtands eſtabliſhed by Law at the time of his "Declaration, being not onely not neceſſary, but likewiſe not lawful "for him at that time ſo to doe: now this Declaration all you who ad- "here to the laſt Proteſtation have made, even ſince you meaned to be "the Biſhops Judges. Beſides, even thoſe Orthodox Fathers never did "declare themſelves againſt the Hereticks, their Perſons or Callings, by "Oaths and Proteſtations, as you have done; for that had been a pre- "judging in them, and this prejudging in you makes you now to be in- "competent Judges.

"Upon the whole matter then there are but two things left for me "to ſay: firſt, you your ſelves have ſo proceeded in the buſineſs of this "Aſſembly, that it is impoſſible the fruits ſo much wiſhed and prayed "for can be obtained in it; becauſe ſtanding as it does, it will make "this Church ridiculous to all the Adverſaries of our Religion, it will,

"grieve

" grieve and wound all our Neighbour Reformed Churches who hear of *An.* 1638.
" it; it will make His Majeſties Juſtice to be traduced throughout the
" whole Chriſtian World, if he ſhould ſuffer His Subjects in that which
" concerns their Callings, their Reputations and their Fortunes, to be
" judged by their ſworn Enemies. If therefore you will diſſolve your
" ſelves, and amend all theſe errours in a new Election, I will with all con-
" venient ſpeed addreſs my ſelf to His Majeſty, and uſe the utmoſt of my
" Interceſſion with His Sacred Majeſty for the Indiction of a new Aſſem-
" bly, before the meeting whereof all theſe things now challenged may
" be amended: if you ſhall refuſe this Offer, His Majeſty will then de-
" clare to the whole World, that you are diſturbers of the Peace of this
" Church and State, both by introducing of Lay-elders againſt the
" Laws and Practices of this Church and Kingdom, and by going about
" to aboliſh Epiſcopal Government, which at this preſent ſtands eſta-
" bliſhed by both the ſaid Laws: two points (I dare ſay) and you
" muſt ſwear it, if your Conſciences be appealed to, (as was well ob-
" ſerved by that Reverend Gentleman we heard preach the laſt Sun-
" day) which theſe you drew into your Covenant were never made
" acquainted with at their entring into it; much leſs could they ſuſpect,
" that theſe two ſhould be made the iſſue of this buſineſs, and the two
" ſtumbling-blocks to make them fall off from their Natural Obedience
" to their Soveraign.

Mr. *Henderſon* made a long Speech, wherein he ſaid much to the magnifying of the Kings Authority in matters Eccleſiaſtical, calling him *The Univerſal Biſhop of the Churches in His Dominions*, with other ſuch like Expreſſions, which gave no ſmall diſguſt to many of the zealous Brethren: but in the end he ſaid, that we muſt render to God the things that were Gods, as well as to *Cæſar* the things which were *Cæſars*; and ſpoke much for vindicating their Proceedings, and charging the Biſhops. And after him many of the Lords ſpoke about the Freedom of the Aſſembly, to whom the Marquis replied. Mr. *Henderſon* anſwers.

" AS for your pretence of your unlimited Freedom, you indeed re- The Marquis
" fuſed ſo much as to hear from His Majeſties Commiſſioner, of replies,
" any precedent Treaty for the preparing and right-ordering of things
" before the Aſſembly; alledging, that it could not be a free Aſſembly
" where there was any Prelimitation either of the Chooſers, or of thoſe
" to be choſen, or of things to be treated of in the Aſſembly, but that
" all things muſt be diſcuſſed upon the place, elſe the Aſſembly could
" not be free: but whether you your ſelves have not violated that
" which you call Freedom, let any man judge; for beſides theſe In-
" ſtructions, which it may be are not come to our knowledge, we have
" ſeen, and offer now to produce, four ſeveral Papers of Inſtructions
" ſent from them, (whom you call the *Tables*) containing all of them
" Prelimitations, and ſuch as are not onely repugnant to that which you
" call the Freedom, but to that which is indeed the Freedom of an
" Aſſembly. Two of theſe Papers were ſuch as you were contented
" ſhould be communicated to all your Aſſociates, to wit, that larger
" Paper ſent abroad to all Presbyteries, immediately after His Majeſties
" Indiction of the Aſſembly, and that leſſer Paper for your meeting firſt

An. 1638. "at *Edinburgh*, then at *Glaſgow*, ſome days before the Aſſembly; which "Paper gave order for chuſing of Aſſeſſors, and divers other particulars: "but your other two Papers of Secret Inſtructions were directed, one "of them onely to one Miniſter of every Presbytery, to be communica- "ted by him as he ſhould ſee cauſe, but to be quite concealed from the "reſt of the Miniſters; the other Paper was directed onely to one Lay- "elder of every Presbytery, and to be communicated by him as he ſhould "ſee cauſe, but to be quite concealed from all others: in both which "Papers are contained ſuch Directions, which being followed, as they "were, have quite baniſhed all Freedom from this Aſſembly; as ſhall "appear by reading the Papers themſelves.

Theſe he cauſed read, but they were diſowned by the Members of the Aſſembly; and they ſaid, they might have been the private Opinions of ſome, but did infer no Prelimitation on the Aſſembly: to which the Marquis anſwered, "That all the Elections being ordered according to "theſe, was a clear proof, they were ſent by an Authority which all "feared to diſobey. And after that he told, That for many moneths "the Orders of the *Table* had been obeyed by all; but he would now "make a trial what Obedience they would give to the Kings Com- "mand: and proteſted, that one of the chief Reaſons that moved him "to diſſolve this Aſſembly, was to deliver the Miniſters from the Ty- "ranny of Lay-elders, who (if not ſuppreſſed) would (as they were "now deſigning the ruine of Epiſcopal Power) prove not onely Ruling, "but Over-ruling-elders.

and diſſolves the Aſſembly; but they continued to ſit.

By this time his Heart was ſo full of Grief (which was eaſily to be obſerved by divers Indications) that almoſt all preſent were affected with it. In end, ſeeing nothing ſaid in reaſon did prevail, he in His Majeſties Name diſſolved the Aſſembly, and diſcharged their further Proceeding under pain of Treaſon. Mr. *Henderſon* and the Earl of *Rothes* anſwered him, that they were ſorry he left them: but their Conſciences bore them witneſs, they had hitherto done nothing amiſs, ſo they could not deſert the Work of God; proteſting much of their Duty and Obedience to the King in its due line and ſubordination: and after this a long Proteſtation was begun and read.

The Council approved of it.

This being done, the Marquis preſently went out, and called a new Council, to whom he told how ſorry His Majeſty would be for this Breach, and how really deſirous he was to have done all was poſſible for ſatisfying of his Subjects, but that their Behaviour had extorted what was done; he therefore encouraged them all to their Duty to the King, aſſuring them, that whatever any of them might ſuffer for it, His Majeſty would ſee they ſhould be no loſers. From this Council the Earl of *Argyle* withdrew, and fully cleared all Jealouſies about him; for he told the Marquis in plain Language, he would take the Covenant and own the Aſſembly. But moſt of the Councellours ſeemed ſatisfied with the Marquis his Carriage in the Aſſembly, particularly all his Aſſeſſors, (*Argyle* onely excepted:) yet the Marquis durſt not offer the Proclamation for diſſolving the Aſſembly to be ſigned in Council, for fear of a refuſal, not having tried them all in it beforehand; but got moſt of them to ſign it next morning, and then he ſent it to the Market-Croſs to be proclaimed, where it met with a new Proteſtation. *Argyle*'s Example was followed by ſome few Privy-Councel-

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lours, whoſe declaring themſelves the Marquis judged rather an advantage than a loſs. *An.* 1638.

The Council alſo wrote a Letter to the King, highly commending the Marquis his zeal and induſtry in what had paſſed in the Aſſembly, which is in the Large Declaration, to which the Reader is referred for the peruſal of all the Papers ſet down there at length; theſe being onely inſerted here that were not then made publick.

Thus he left *Glaſgow*, and went firſt to *Hamilton*, carrying ſome of the Biſhops with him for their ſecurity from hazard; and after two or three days ſtay there went to *Edinburgh*, (hoping that as he had outlived their Threats, he ſhould ere long ſee His Majeſty maſter their Inſolence:) and from thence he gave His Majeſty an account of what had paſſed ſince his laſt, togther with a deſire for a Permiſſion to come and wait on him; to which the King wrote the following Anſwer. The Marquis returns to *Edinburgh*.

Hamilton,

I Never expected other than that you would have too juſt grounds to diſſolve this Aſſembly; and certainly I were very unjuſt if I did not approve you therein, ſince not onely your Inſtructions warrant you the ſame, but even the Council hath teſtified to me the Neceſſity of it. And now I ſhall lay before you ſome Conſiderations; in the firſt place to take care, that your coming away do not caſt things ſo looſe, that the honeſt men of my Party do believe that you leave them as in a caſe deſperate, or at leaſt, that by your Abſence they be denuded of Advice and Protection: therefore I hope before you come up you will take ſo good order, that your Abſence do neither diſhearten, nor prejudice my Party. As for my Preparations, I doubt not but ere this you have had a full account by your Couſin Sir James, *whereby you find that I ſhall not be able to ſhew my ſelf like my ſelf before* February *or* March; *wherefore I lay it to your Conſideration, whether it were not fit to give hopes that the Parliament ſhall hold, (notwithſtanding all the impertinencies of this laſt Aſſembly) ſo that their Follies break not out into open Acts of Rebellious Violences: and really I will not ſay, but (that things may be ſo prepared) it may be fitting that it ſhould hold. To conclude, I hope you do not conceive, that the Date of your Commiſſionerſhip is out; wherefore I expect that (if you find cauſe) you ſend out Commiſſions of Lieutenantries to* Huntley *for the North, and to* Traquair *or* Roxburgh, *either joyntly or ſeverally, (as you ſhall find moſt fit) for the South; yet all as ſubaltern to you. This I confeſs is not to be done but upon great neceſſity, of which I leave you (as upon the place) to be Judge, (being abundantly ſatisfied of your zeal and dexterity to* The King approves of his diſſolving the Aſſembly.

An. 1638. *ſerve me) as I do of all that I have now written: and ſo I reſt*

Whitehall,
7 Dec. 1638.

Your affured conſtant Friend,

CHARLES R.

To this ſhall be added two Letters written by the Archbiſhop of *Canterbury* to the Marquis on the ſame ſubject.

My very good Lord,

Letters from my Lord of *Canterbury* to the Marquis.

I Received your Lordſhips Letters of Novemb. 27th, *they came ſafe to me on* Decemb. 2d *after* 8 *at night. I was glad to ſee them ſhort; but their ſhortneſs is abundantly ſupplied by the length of two Letters, one from the Lord* Roſs, *and the other from the Dean. They have between them made their word good to your Lordſhip, for they have ſent me all the paſſages from the beginning of the Aſſembly to the time of the Date of their Letters: and this I will be bold to ſay, never were there more groſs abſurdities, nor half ſo many, in ſo ſhort a time, committed in any Publick Meeting; and for a National Aſſembly never did the Church of Chriſt ſee the like.*

Beſides His Majeſties Service in general, that Church is much beholding to you, and ſo are the Biſhops in their Perſons and Callings: and heartily ſorry I am, that the People are ſo beyond your expreſſion furious, that you think it fit to ſend the two Biſhops from Glaſgow *to* Hamilton; *and much more, that you ſhould doubt your own ſafety. My Lord, God bleſs your Grace with Life and Health to ſee this Buſineſs at a good end, for certainly, as I ſee the face of things now, there will very much depend upon it, and more than I think fit to expreſs in Letters; nay perhaps, more than I can well expreſs if I would.*

I am as ſorry as your Grace can be that the Kings Preparations can make no more haſte. I hope you think (for truth it is) I have called upon His Majeſty, and by His Command upon ſome others, to haſten all that may be, and more than this I cannot doe; but I am glad to read in your Letters that you have written at length to His Majeſty, that you may receive from himſelf a punctual Anſwer to all neceſſary particulars: and I am preſently going to him to perſuade him to write largely to you, that you may not be in the dark for any thing.

But (my Lord) to meet with it again in your Letters, that you cannot tell whether this may be your laſt Letter, and that therefore you have diſcloſed the very thoughts of your Heart, doth mightily trouble me: but I truſt in God, he will preſerve you, and by your great Patience, Wiſdom, and Induſtry, ſet His Majeſties Affairs (to your great Honour) in a right poſture once again; which if I might live to ſee, I would be glad to ſing my Nunc dimittis.

I pray (my Lord) accept my thanks for the poor Clergie there, and particularly for the Biſhop of Roſs, *who proteſts himſelf moſt infinitely obliged to you.*

I heartily pray your Lordſhip to thank both the Biſhop of Roſs *and the Dean for their kind Letters, and the full account they have given me; but there is no particular that requires an Anſwer in either of them, ſaving that I find in the Deans Letter, that Mr.* Alex. Henderſon, *who went all this while for a quiet and calm-ſpirited man, hath ſhewed himſelf a moſt violent and paſſionate man, and a*

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Moderator without Moderation. Truly (my Lord) never did I ſee any man of that humour yet, but he was deep-dyed in ſome violence or other, and it would have been a wonder to me if Henderſon *had held free. Good my Lord, ſince you are good in the active part, in the commixture of Wiſdom and Patience, hold it out till the People may ſee the Violence and Injuſtice of them that would be their Leaders, and ſuffer not a Rupture till there be no Remedy. God bleſs you in all your ways, which is the daily prayer of* An. 1638.

Your Lordſhips moſt faithful Friend,
and humble Servant,

W. CANT.

Lambeth,
3 Decemb. 1638.

My very good Lord,

I Received your Letters of the ſecond of December *upon the ſixth of the ſame at night, and could not ſpeak with His Majeſty till this day. This day I did, and ſhewed him your Letters and the Deans; and I read to him more than the later half of all the long Diſcourſe which the Dean wrote unto me, for His Majeſty was very deſirous to know what occaſion you took to diſſolve the Synod, and how you proſecuted it; in both which that Paper gave him great ſatisfaction.*

With your Letters I have received three other Papers, that which ſhews you have keeped within your Inſtructions, the Copy of the Proclamation which diſſolves the Aſſembly, and a Copy of the Councils Letter to the King; both which His Majeſty takes to be very good Service done for him, and commands me to give your Grace thanks in his Name, which I am very glad to doe, and I doe it heartily.

For the Earl of Argyle *I can ſay no more than I have already, though now I know him more perfectly than I did. Your Reſolution was to put him from the Council-Table, if he refuſed the Kings Covenant; he hath now deſerved it more, but whether it be a fit time as yet to proceed ſo far, I dare not determine here. This I am ſure of, if he do now publickly adhere to the Covenant and the Aſſembly, nay be the profeſſed Head of the Covenant, (as the Dean calls him;) yet he will have much ado to look right upon that, who ever looked aſquint upon the Kings buſineſs.*

Concerning your coming up to Court, I am glad I find His Majeſty in that Opinion which I cannot chuſe but be of, that is, to leave it to your ſelf, and your own Judgment upon the place, whether it be fitter for you to come or ſtay: for the truth is, my Lord, in my poor Judgment the King muſt needs leave this to your ſelf, or diſcern himſelf; for if he bids you come, you will not ſtay; and if he would have you ſtay, you will not come: but whether it be fitteſt to come or ſtay cannot be prudently judged here, therefore (my Lord) doe that which ſhall be beſt approved there for His Majeſties Service. And as much as I deſire to ſee you, I will be bold to adde this, that I hope you will not ſtir to come thence, till you have ſo ſettled the Country, or at leaſt the Kings Party there, as that you may be ſure they may be ſafe, till further courſe for Security may be taken: for I do not know how much it may diſhearten them if your Grace come away from them too ſoon.

In tender care of His Majeſties both Safety and Honour, I have done and do daily call upon him for his Preparations. He proteſts he makes all the haſte he can, and I believe him; but the jealouſies of giving the Covenanters umbrage

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An. 1638. *too ſoon, have made Preparations here ſo late. I doe all I can here with trouble and ſorrow enough.*

Here is News that three Ships-full more of Arms are come to Leith *from* Poland; *whence have they money to buy all this? If this be true, the King of* Poland *hath watched a ſhrewd opportunity to quit the King for the late neglect of his Ambaſſadour. And that which troubles me not a little is, that the Kings Party there (I doubt) is not half ſo well provided of Arms as the Covenanters are.*

For the Money you mention, I wiſh with all my heart you had received it, for at the riſing of the Aſſembly moſt miſerable will be the Condition of them who have faithfully ſerved God and the King. I have now again put it to the King, and he ſees enough, but cannot well tell how to help it; yet this he ſaid, If he could poſſibly ſcrape ſo much together, it ſhould be had.

I pray be pleaſed to thank the Dean for his great pains, though it coſt me the ſitting up ſome part of the night to read it. His Letter, beſide that Diſcourſe, contains but two things, The neceſſity of a preſent ſhew of Force againſt the riſing of the Aſſembly, before men be urged to new Confederacies, and Subſcriptions, to all things determined in this Aſſembly; The other, that ſome care may be had for the poor Miniſters, who will be put to the greateſt ſufferings, and all for God and the King. And to theſe two I have ſaid as much as I can, and ſhall daily labour with the King to doe all that may be done for them. I pray God bleſs your Lordſhip, but I am infinitely ſorry ſo much Grace and Goodneſs of the Kings ſhould be no better received. To Gods bleſſed Protection I leave you, and all your Endeavours, and ſhall ever ſhew my ſelf

Whitehall,
Decemb. 7. 1638.

Your Graces moſt faithful Friend,
and humble Servant,

W. CANT.

The Aſſembly go on at a great rate.

The Aſſembly all this while were not idle, but went on at a great rate, now that there was none to curb them. They condemned all the Aſſemblies had been for forty years before, as prelimited and not Free; they declared Epiſcopacy unlawful, and contrary to the Laws of their Church: the ſame was the fate of the Service-book, Book of Canons, High-Commiſſion, and the Articles of *Perth*. They appointed the Covenant to be taken by all under pain of Excommunication, with their new Gloſs againſt Epiſcopacy and the Ceremonies: and then they proceeded to the Proceſſes of Biſhops notwithſtanding their Declinator, which was ſure not to be ſuſtained by them; for they being both Judges and Parties, would not fail to carry the matter as they deſired.

The Marquis puts forth a Proclamation againſt them.

The Marquis at his coming to *Edinburgh* on the 17th of *December* emitted a large Proclamation, containing the Reaſons of his diſſolving the Aſſembly, and declared thoſe who continued to ſit in that pretended Aſſembly Traitors. He added His Majeſties Pious Intentions to preſerve the Religion eſtabliſhed; diſcharging all his Subjects to acknowledge or obey the Acts of that pretended Aſſembly, with an aſſured promiſe of Protection to all ſuch as continued in their Obedience to His Majeſties Service. This he ſent every where to be proclaimed through *Scotland*, and wrote to all he heard of that were affectionate to His Majeſties Service, encouraging them to continue in their Duty,

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assuring them of the Kings Favour and Goodness. But now were all Peoples minds set on flame, every one expecting what should be the issue of this disorderly Affair. *An.* 1638.

He began again to talk with the Covenanters, according to the Kings Order for a continuance of Treating; but they received it with so much neglect, that he was scarce able to bear it: and finding they did encourage themselves with the Kings Clemency, he resolved to prostitute the Offers of it no more. He found the Castle of *Edinburgh* in some better posture at his return thither, than he had left it when he went to the West; forty good men were stolen into it with some Musquets and Cases of Pistols, and abundance of Ammunition, and Provision for five weeks. This was carried with great cunning, for the Castle had been watched all the while: but when the Covenanters understood what was carried in, they were enraged, and beset the Castle so closely with their Guards, that it was as good as besieged.

The Assembly of *Glasgow*, after they had deposed all the Bishops, and excommunicated eight of them, wherein it was easie to proceed against Absents, at length they closed with a Letter to the King, (to be found in the Printed Acts of that Assembly:) and in it they justified their Procedure, complained of the Usage they met with from His Commissioner; and prayed His Majesty to look upon them as good and dutiful Subjects, and be satisfied with what they had done. The Assembly end their business, and write to the King.

The Marquis his Journey was delayed, through an Indisposition of Body, some days longer than he intended; and indeed (all things being considered) it was a wonder how either Body or Mind could hold out so long. His Negotiation was both painful and unprosperous: most of the day he was obliged to spend with unmanagable and unruly Spirits, and much of the night in writing Letters; for every third or fourth day he gave the King a large account of what passed, which was sometimes of the length of two sheets of all sides in close writing. This was always seconded by another to my Lord of *Canterbury* of the same, and often a greater length. Besides that, about other matters of course he wrote as often to the Earl of *Sterlin*, and almost as often to Sir *Henry Vane*. And this was besides all his Letters up and down *Scotland*, most of which, particularly those to my Lord *Huntley*, (which were at least weekly) were all with his own Hand. And the most uneasie part of all was, that he was obliged to keep himself in a reserve almost with every Body, there being very few about him whom he durst intirely trust: and certain it is, had not his Mind been of a great and undaunted stayedness and calmness, the shocks he met with had dashed him to pieces. The Marquis indisposed through long Fatigue.

But having recovered his Health, & put things in the best Order could be expected in the midst of so great Disorders, he took Journey to *London* on the 28th of *December*, having committed the chief care of business to the Earl of *Traquair*; in whose hands he left some of the Blanks under the Kings Hand which he had by him, to be filled up as *Traquair* should be answerable; with a particular Order, that if the Lords of the Covenant pressed the Lords of the Session to doe any thing that might infer an Acknowledgment of the Assembly of *Glasgow*, and if he saw any grounds to fear their yielding, then he should fill up one of the Blanks with a Proclamation to the Session to rise. Thus ended this Ominous Year.

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An. 1639.

Anno 1639.

The ſad poſture Affairs were in.

THE Marquis his thoughts did bear him ſad company during his Journey: the leaſt painful of them was, that he knew he had many Enemies, who would impute the preſent Diſorders to his Miſmanagement, if not to his unfaithfulneſs; but thoſe he quieted with his confidence in His Majeſties Juſtice, and his own Integrity. And indeed any perſonal Hazard could meet him muſt have had ſmall footing in a mind prepoſſeſſed with other thoughts. That which tormented him moſt (as appears by his Letters) was, that he ſaw inevitable Ruine hanging either over his Maſter, or his Country, if not over both; ſince the Ruine of either would prove fatal to both. To adviſe His Majeſty to Treat any further, before he were in a poſture to command as well as to treat, was ſo diſhonourable that he could not think of it. He ſaw a Kingly way muſt be taken, but he knew well His Majeſties Affairs were not in a very good poſture. *England* had enjoyed a long quiet, and ſo both their Warlike Spirits and Preparations were much ruſted: there was ſtore of Factious Spirits among them, who would give heartleſs aſſiſtance to His Majeſty in his Deſigns; and thoſe who would be moſt forward, he knew were ready to drive His Majeſties Reſentments too far. He ſaw little hope of any Party to be made for the King in *Scotland*, except from the Marquis of *Huntley*. He knew the Covenanters would proceed as men deſperate; and leſs heartineſs could be expected from His Majeſties hired Souldiers, than from ſuch as had no hope but in their hands and actions. In a word, all things looked ſo cloudy to his diſcerning mind, that it proved a melancholy Journey to him.

The King highly diſpleaſed with the Covenanters.

On the 5th of *January* he came to *Whitehall*, where he gave the King a true and ample Relation of all particulars. His Majeſty was fully ſatisfied with his Carriage in every ſtep of it, approving all he had done; but was ſo highly irritated at the Covenanters, that he reſolved neither to think nor talk of Treating, till he ſhould appear in a more formidable poſture; judging it would render his Perſon and Government contemptible, not onely to all abroad, but to his other Subjects, and teach them to kick off his Authority, if after all the Affronts had been put upon his Laws and Condeſcenſions he ſhould be ſo tame as ſtill to Treat; and therefore was reſolved not to receive the Letter he knew was coming from the Aſſembly to him, backed with a Petition from the Lords. But the Marquis deſired he would delay any ſuch more apparent Breach, till he were ready to appear in the Field, which was impoſſible before *March*. All His Majeſties thoughts were now bent upon the way of reducing *Scotland* to due Obedience, in which the Marquis offered him his humble and hearty concurrence: for though his Affection to his Country and Friends did ſtruggle ſtrongly againſt his engaging further, yet it yielded to his Duty; but not ſo intirely, as to clear his Spirit of ſad regrates. And in this he was not onely rivalled, but far out-ſtripped by his Soveraign, whoſe Sorrow keeping pace with his Affection and Intereſt, made this Expedition prove as ſad as it was juſt.

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The Design was thus laid down: His Majesty was to raise an Army of thirty thousand Horse and Foot, and to lead them in Person towards *Scotland*: He was to write to all the Nobility of *England*, to wait upon him to the Campagne with their Attendants, who should be maintained by His Majesties Pay: He was to put good Garrisons in *Berwick* and *Carlisle*, two thousand in the former, and five hundred in the latter: He was at the same time to send a Fleet to ply from the *Frith* North-ward for stopping of Trade, and making a great Diversion for guarding the Coast: He was also to send an Army of five thousand men under the Marquis his Command to land in the North, and joyn with *Huntley*'s Forces: all which should be under his Command, he retaining still the Character of Commissioner, with the addition of General of the Forces in *Scotland*. And with these he was, First, to make the North sure, and then to move South-ward, which might both make another great Diversion, and encourage such as wished well to His Majesties Service, who were the greater number in those Parts. Next, the Earl of *Antrim* was to land in *Argyle-shire*, upon his Pretensions to *Kyntire*, and the old Fewds betwixt the *Mackdonalds* and *Campbels*; and he promised to bring with him ten or twelve thousand men. And last of all, the Earl of *Strafford* was to draw together such Forces as could be levied and spared out of *Ireland*, and come with another Fleet into *Dumbriton-Frith*; and for his encouragement, the Marquis desired him to touch at *Arran*, (that being the only place of his Interest which he could offer unto His Majesty) and he would be sure of all his Men there, (*such naked Rogues as they were*, is his own phrase.) Besides, there were store of Cows in that Island for the provision of the Fleet, which he appointed should not be spared. *An.* 1639. and resolves on a War;

Thus was the Design laid down for curbing the *Scotish* Insolences: yet His Majesty firmly resolved, that when-ever they returned to their Obedience, he should not be inexorable. The first thing for prosecuting this Design, was the looking for Officers and Money: for the former, *England* was pretty scant; yet the best were sought out. On the second of *February* the King named the Earl of *Arundel* to be General, the Earl of *Essex* to be Lieutenant-General of the Foot, and the Earl of *Holland* to command the Horse. Letters were also sent through the Counties for levying of Men, and Advertisements given to the Nobility to meet the King at *York* against the first of *April*. *Antrim* undertook bravely, and *Strafford* said, he should doe what was possible with all expedition. The Fleet was appointed presently to be rigged out; and Orders issued out for levying five thousand Souldiers, under the Command of the three gallant Colonels, *Morton*, *Byron*, and *Harecoat*, who should go with the Fleet without knowing whither they went. A Commission for the Lieutenantry of the North of *Scotland* was sent to the Marquis of *Huntley*; but he was ordered to keep it up as long as was possible, and carefully to observe two things. One was, not to be the first Aggressor, except he were highly provoked, or His Majesties Authority signally affronted; the other was, that he should keep off with long Weapons, till His Majesty were on the Borders; lest if he should begin sooner, the Covenanters might overwhelm him with their whole Force, and either ruine him, or force him to lay down his Arms. As for the Marquis his Employment, he told His Majesty, that though he was so far from declining his Service at such a and layes down methods for the effectuating of his design.

An. 1639. time, that he ſhould be infinitely troubled if he were not imployed: yet he deſired the King might chooſe a fitter perſon for the Naval Forces, ſince he was altogether unacquainted with Sea-affairs, and not fit for ſuch an important Service. But His Majeſty looking upon this as an effect of his Modeſty, gave no hearing to it; telling him, that as for Affairs purely Naval, Sir *John Pennington* the Vice-admiral ſhould go with him, and would abundantly ſupply his defects in that.

But the getting of Money was the hardeſt part of all, for two hundred thouſand pound *Sterlin* was all the Money the King could make account of. The Treaſury was much exhauſted; and an unlucky Accident fell in at that time, which put the King to much extraordinary Expence, the Queen-Mother of *France* coming over to *England*: yet the King found Himſelf able to doe well enough for the Summer following, but His Purſe could not weather out another year.

Thus did the King frame and proſecute His Deſign, with the Secret whereof very few were truſted; it being communicated to none without reſerve, ſave to *Canterbury*, *Arundel*, Sir *Henry Vane*, and by Letters to *Strafford*, but above all to the Marquis.

The Covenanters prepare for War.

But here this Narration muſt be ſtopt, that we may take a view of *Scotland*, and of the Power and Practices of the *Covenanters*. In the beginning of *January* there was a full Meeting of them at *Edinburgh*, where they firſt reſolved to ſend a Gentleman to the King, with the Aſſemblies Letter, and a Petition from themſelves, full of Submiſſion to the King, Invectives againſt the Marquis, and Juſtifications of their Procedure in all things, particularly in the late Aſſembly: which they doubted not, they ſhould make appear in the enſuing Parliament, of the holding whereof they ſeemed to make no queſtion. With this the Earl of *Argyle* wrote a general Vindication of his own Behaviour; and theſe Letters were ſent to Court by Mr. *Winram*. His Majeſty received their Petition, but reſolved to give it ſuch an Anſwer in due time as their Behaviour deſerved: but he wrote back to *Argyle*, that he ſhould be willing to receive from his own mouth a Vindication of his late Behaviour, though it ſeemed ſcarce capable of any. The Covenanters their next, and indeed chief care, was, to fortifie themſelves againſt what they knew in reaſon they might quickly expect. Orders were therefore given through all the Shires of *Scotland*, that a Committee of War ſhould ſit in every Shire, Souldiers be liſted and trained, and a Commiſſioner ſent from every County, to lie at *Edinburgh* for receiving and tranſmitting of Orders. Great care was alſo taken to provide the Country with Arms and Ammunition, Merchants were ſent every where to buy up all were to be had, and in a ſhort time there were Arms for above thirty thouſand men brought to *Scotland*; and particular Orders were given, that none ſhould be ſold, but to ſuch as were well-affected to the Cauſe. Strong and ſtrict Guards were ſet about the Caſtle of *Edinburgh*, ſo that it being but hitherto ill furniſhed, little was to be expected from it; wherefore *Ruthven* would not ſhut himſelf up within it, but went to offer his Service to His Majeſty, where he might be more uſeful. They were alſo careful to fortifie *Leith*, apprehending hazard from the Kings Fleet; and about fifteen hundred of all Sexes, yea and all Qualities, for encouraging of others, wrought about it till the Fortifications were compleated.

But

But of all men the Miniſters were the buſieſt: the Pulpits did ring with the Ruine of Religion and Liberties; and that all might look for Popery and Bondage, if they did not now quit themſelves like men. Curſes were thundred out againſt thoſe *who went not out to help the Angel of the Lord againſt the mighty*, (ſo oddly was the Scripture applied;) and to ſet off this the better, all was carried on with many Faſts and Prayers: and they forgot not to pretend much Duty and Affection to the King; but the Biſhops and his other ill Councellours (as they called them) got the blame of all, and none more than the Marquis. By theſe means it was, that the poor and well-meaning People were animated into great extremities of Zeal, reſolving to hazard all in purſuance of the Cauſe: for they were told, that the deſign was to reduce *Scotland* to a Province under the Power of the *Engliſh*, whoſe Oppreſſion they muſt reſolve to bear if they ſtood not now to their own Defence. Upon this it was that the Committees for War, which were held in the ſeveral Shires about the beginning of *February*, found ſmall reſiſtance, and no difficulty of levying Men; greater numbers being offered than could be either armed or maintained. *An.* 1639. and are much inflamed by the Miniſters.

At *Edinburgh* the Seſſion met with great trouble from the Covenanters; for the greater number of the Lords of the Seſſion being reſolved not to own the Aſſembly, all ſuch Petitions wherein the Biſhops were not deſigned as they ought to have been, but were called either pretended Biſhops, or late Miniſters of the Places where they ſerved before their Promotion, were rejected: and ſome Signatures being offered in Exchequer, wherein they were ſo deſigned, *Traquair* took them and tore them to pieces. Of all this the Covenanters complained, as if Juſtice were denied; but it was told them, that if they went to force the Seſſion, it would be High Treaſon, and that they would never yield to them. But the four Covenanting Lords of the Seſſion having paſſed Petitions wherein the Biſhops were ſo called, theſe were ſtopt at the Signet. The Covenanters made alſo great Complaints to the Council, of ſome perſons who had written to *England* of their Deſigns to invade it; of which they proteſted themſelves innocent, and craved liberty to purſue their Slanderers: but that was laid aſide, only a Letter was written about it to the King. Yet all, at leaſt moſt, of the Council, what through fear, what through inclination, went along with the Covenanters; and ſuch as ſtood firm to their Duty were forced to fly into *England*. The Seſſion is diſturbed.

The Covenanters made ſure work of all the Shires; onely in *Annandale Traquair* reſiſted them a little, and got their Meetings to be deferred for two or three Diets; but that was all he could doe. In *Teviotdale* the Earl of *Roxburgh* kept all right, and begun to levy men as well as others; but he was faintly followed. The Marquis of *Douglaſs* was not able to doe His Majeſty that Service his Illuſtrious Anceſtours had done the former Kings; for himſelf was a Papiſt, and ſo not followed by the Friends and Dependers of that Noble Family: ſo that all the Marquis could doe, was to go and wait upon His Majeſty, and offer his Houſe of *Tantallon* to be made uſe of as the King pleaſed. But the Covenanters ſeized both it and his Houſe of *Douglaſs*: and thus all on the South of *Tay* was loſt without ſtroke of Sword. But in *Angus* the Earls of *Airly* and *Southesk* made more vigorous reſiſtance to the Attempts of the Covenanters, and were able to have made that Country They become Maſters of all *Scotland*.

An. 1639. good for the King, but could not withſtand the Force came upon them from other Places. They all armed, and Earl *Airly* ſtood out to the Pacification, but *Southesk* was fitter for a Council than a Camp; and ſeeing inevitable Ruine to follow, ſince the Kings Preparations went on ſo ſlowly, he ſtruck ſail and came to *Edinburgh*. *Huntley* gave them more trouble: for my Lord of *Montroſe* and *Kinghorn*, with ſome others, coming to hold a Committee at *Turreff* in that County, he gathered ſo many together, and came ſo near them, that they were forced to diſperſe themſelves; yet he kept up his Commiſſion of Lieutenantry, acting onely in the quality of a Peer and Councellour. But they reſolved, ſince they could doe nothing againſt him with the men of that Shire, to bring a Body from other Places to ruine him. The want which pinched the Covenanters moſt at firſt was, of good Officers; and this made General *Leſley* (who at that time had acquired much Fame in the Wars of *Germany*) get an earneſt Invitation ſent him from the Earl of *Rothes*, in the name of the Covenanters, to come home to command their Forces: upon which he did quit his Employment there, and came to *Scotland* with many other Commanders. He was choſen their General, and undertook the Service with much Joy. And this was the Poſture and Preparations of *Scotland*, which I draw from the Letters that are yet extant, written to the Marquis from the Lords of *Traquair*, *Huntley*, *Airly*, and *Roxburgh*.

Mean-while the King went on, making all the haſte with his Levies and Preparations that was poſſible, in which none acted his part with more Fidelity and better Diſpatch than the Earl of *Northumberland*, who was Admiral, and diſcharged what was committed to him ſo well, that nothing was defective that concerned the Fleet. But the Marquis found the Hearts of many of the *Engliſh* Nobility both backward and cold; and in particular he aſſured the King, that he ſaw much Heartineſs was not to be expected from ſome of the general Officers; which the King apprehending, truſted them as little as was poſſible. About the middle of *March* the King publiſhed a Declaration of the Reaſons of his Expedition againſt *Scotland*, which was followed by a larger one, commonly called the Large Declaration or *Manifeſto*, penned by *Balcanqual*, and reviſed by His Majeſty: in which a full account was given of the riſe and progreſs of the Combuſtions of *Scotland*; of which no more ſhall be ſaid, it being ſo commonly known, ſave that from the account hath been given it will appear, how unjuſtly that Book was charged to be full of Lies and Calumnies.

The King emits his Declaration of the Reaſons of the War.

The News of this coming to *Scotland* ſet all a-flaming; whereupon they firſt ſent in Papers and Letters through all *England*, and to the Court, vindicating themſelves with high Proteſtations, that they deſigned not the Invaſion of *England*, as had been miſrepreſented: and therefore they expected no Hoſtility from them, to whom they neither did, nor intended hurt. Theſe Letters were ſaid not to be ill-received, even by ſome at Court, who were in the higheſt Truſt. The Covenanters alſo reſolved to take the ſtart of the King; and ſoon the 23th of *March* General *Leſley* with ſome Companies went to the Caſtle of *Edinburgh*, and petarded the Gates, and ſet Ladders to the Walls, and carried it, no reſiſtance being made from thoſe within. It is true, much could not be made; but that could not wipe off their ſtain, who yielded that impregnable and important Place ſo faintly. The occaſion of their negligence

The Covenanters begin the War.

was

was, that a Gentlewoman of good Quality was ſent in under pretence of viſiting the Captain of the Caſtle, to keep him in diſcourſe: ſhe dined with him, and engaged him to play at Cards, ſo that they were about his ears, before he was apprehenſive of danger. *Dumbriton* run the ſame fate, it being ſurrendred by Sir *William Stewart*; whoſe only excuſe was, that at his coming down the former year, he found the whole Garriſon Covenanters, that he durſt not turn them off, nor take on new Souldiers without a powerful aſſiſtance; and ſo finding them reſolved both to deliver him and the Caſtle up, he could do nothing alone: beſides that he was unprovided of every thing that was neceſſary for a Siege. * The next day after the Caſtle of *Edinburgh* was ſeized, the Covenanters went to the Seſſion to force the Lords to take the Covenant; but moſt of them refuſed it: then they ſeized on the Privy-Seal, and thought to have got the Great Seal, which the Marquis had committed to the keeping of an honeſt Servant Mr. *John Hamilton*, by their endeavours to prevail with him for it; but he refuſed to part with it except with his Life, and ſo preſerved it. *An.* 1639.

Their next Attempt was upon *Dalkeith*, whither *Traquair* retired with a ſmall Company: and he without ſtroke of Sword ſurrendred it, for which his Courage ſeemed more blame-worthy than his Honeſty. But his greateſt fault was, that he yielded up the *Regalia*, the Crown and Scepter which lay there, and carried them not with him: neither did he ſpoil the Arms that lay there, which ſince he could not carry with him, he ought to have done, and not to have left them to ſtrengthen the Enemy. But from this he haſted to meet the King at *York*. *Roxburgh*'s Misfortune followed this; his County being upon the Borders was of great importance for the Kings Service, and he kept it in pretty good order, till *Munro* came with ſome Forces out of other Shires: but his Son Lord *Ker*, whom he left with the Truſt of all, (going himſelf to wait on the King) turned over to the Covenant. The News of this overtook *Roxburgh* in his Journey, in which he made the more haſte, that he might be the firſt who ſhould give the King an account of that unlucky Adventure, whereby he might prevent all Jealouſies againſt himſelf.

The King ſet out from *London* the 27th of *March*, and came to *York* the firſt of *April*. The firſt blaſt of this Storm fell on *Huntley*, againſt whom the Covenanters ſent a great Force both of Horſe and Foot with ſome Cannon, commanded by the Earls of *Montroſe* and *Marſhal*. But Marquis *Huntley* finding himſelf unable to reſiſt them, retired in ſome diſorder to *Turreff*, and they followed him, taking *Aberdeen* in their way; which had hitherto ſtood for the King, but was now forced to render, the Biſhop with the Doctors eſcaping by Sea to *Berwick*. At *Turreff* My Lord *Huntley* laid down Arms, where treating with them, by a ſurprize he and his Son the Lord *Gordon* were taken Priſoners, and brought over, and committed to the Caſtle of *Edinburgh*, where they lay till the Capitulation at *Birks*. I am ſorry I want materials for ſaying more in the vindication of that Noble Perſon; but I muſt not diſmiſs one Story without taking notice of it, which is, that the Marquis is blamed, as having given him Orders to doe as he did. And this, with other Stories of the like truth, was put in to ſwell the Charge given in againſt him ſome years after this; yet it is ſtrange that when the Viſcount of *Aboyne*, who was *Huntley*'s ſecond Son, came to wait upon the

The Marquis of *Huntley* is taken priſoner.

An. 1639. the King at *York*, there was no Complaint made of that; nor when *Huntley* was enlarged and waited on the King, does there appear the leaſt veſtige of his alledging any thing to the Marquis his prejudice. The ground of the Story is this, the Marquis had written in the Kings Name, and by his Order, to the Marquis of *Huntley*, when he ſent him the Commiſſion of Lieutenantry (as hath been ſaid) to beware as much as was poſſible, that he ſhould not be the firſt Aggreſſor, till His Majeſty were upon the Borders; for the King knew that *Huntley* could not reſiſt all the Covenanters Forces, and to make a powerful Diverſion when the King ſhould be dealing with them in the South, was all could be expected from him. Likewiſe, the Marquis failed not to give weekly Advertiſements of the progreſs of the Kings Preparations; which appears both from *Huntley*'s Letters to the Marquis, and the Copies of the Returns he gave them, that are yet extant: and therefore there remains nothing upon this account to charge or ſuſpect the Marquis his Fidelity.

The Marquis prepares for the Sea, and gets three Letters from the King.

The Marquis was left at *London* to ſee that the Fleet and the other Land Souldiers, who were to be ſhipped in ſome Colliers Veſſels, might be ready to go aboard upon Order: and His Majeſty wrote him the following Letter before he left *London*.

Hamilton,

I Received yours but this morning, to which before I anſwer, I muſt tell you News: Firſt, that Jacob Aſhly *has poſſeſſed* Berwick *with* 1000 *Foot and* 60 *Horſe, and* Carliſle *is likewiſe poſſeſſed by My Lord* Clifford *with* 300 *men; Secondly, I have commanded* Traquair *to keep his Chamber, until he give me an account how he left* Dalkeith, *without ſtriking one ſtroke, and before any Cannon was brought before it, having left the Ammunition (not deſtroyed) to their reverence, and likewiſe the* Regalia: *of this more by the next. Now for Anſwer, I have given the Proclamation to be written over by the Clerk-Regiſter, with the General Oath, both which you ſhall have with all ſpeed: for your Military Oath, I like it extreme well, as likewiſe your opinion for detaining the Patents of Honours until the Country be ſettled; for your Brother, certainly if you had forgotten him I ſhould not, but have remembred my old Engagement: and for* Dalliel, *indeed he deſerves well; yet methinks a* Viſcounty *may ſerve at this time, that I may have ſomething more to give upon further occaſion: and ſo I reſt*

York, 2 Apr. 1639.

Your aſſured conſtant Friend,

CHARLES R.

The next day he had that which follows.

Hamilton,

An. 1639.

Hamilton,

ACcording to my promiſe yeſterday I have ſent you back the Proclamation and Oath, but with very few Additions. As touching Traquair *I can ſay little more than I did, becauſe I have not yet ſeen his Defence; only if I had not taken this rude notice of his baſe Action, I am ſure I ſhould have diſheartened a number of honeſter men than ever he was, or will be. This morning I have News of the ſafe Landing of the* 500 Iriſh, *which are by this time in* Carliſle, *there to attend until further Directions. I have no more at this time to ſay, but to know, if Col.* Gun *be not one that you have entertained, for it is ſaid that he is going back again to* Germany. *One thing I had almoſt forgot; they ſay for certain that* Aberdeen *holds out ſtill, and is not likely to yield in haſte; if it be ſo, you know what to do. And ſo I reſt*

York, 3 Apr. 1639.

Your aſſured conſtant Friend,

CHARLES R.

The day following he got the next Letter.

Hamilton,

THis is to tell you, that the News of the rendring of Aberdeen *came immediately after the diſpatch of the laſt Poſt, and that though* Huntley *be retired, yet he is neither beaten nor over-run: but the chief cauſe of my writing at this time is, that ſince I have ſhown the Proclamation to* Orbiſton *and Sir* Lewis Stewart, *they have both been very inſtant with me to change ſomething in it: which (though my Judgement goes with them in the moſt, and therefore I will not be wilful; yet) I think I ſhall alter, or (but rather) palliate one point, to wit, not to ſet Prices upon the declared Rebels Heads, until they have ſtood out ſome little time; which time is to be expreſſed in this ſame* Declaration. *Another thing is, whether and when to ſend you* Devick; *and laſtly, whether I ſhall ſee you before you put to Sea, which I ſhould be glad of, if it ſhould not retard the Service: and ſo I reſt*

York, 5 Apr. 1639.

Your aſſured conſtant Friend,

CHARLES R.

A Diſpatch

An. 1639. A Diſpatch came at this time from *Ireland*, ſhewing that it would be about the end of *June*, before the Lord Lieutenant could come with the Army he was preparing for His Majeſties aſſiſtance: adding, that all *Antrims* fair undertakings were like to vaniſh in Air, and that he was not able to doe as he had engaged; for after he had uſed many Arts to find ſome colour of faſtening the failing on the Lieutenants part, by unreaſonable demands, finding him ſatisfied with them all, was forced to acknowledge that he was not able to doe the King the Service he had undertaken that Summer: yet moſt of the *Scots* in *Ireland* offered their Service very cordially, and willingly declared their diſlike of the Covenant.

The hopes from *Ireland* fail.

The King adviſes about the Indempnity he was to offer the Covenanters.

His Majeſties next care was about His Proclamation for *Scotland*, wherein he gave an account of *the Affronts His Authority had received by the Covenanters, and his deſigns to doe himſelf right, according to the Power and Authority God had put in his hand: withal offering Indempnity to ſuch as ſhould within eight days lay down their Arms, ſome few excepted; Declaring ſuch as would not obey, Rebels, ſetting a Price upon their Heads, and ordering their Vaſſals and Tenants not to acknowledge them, nor pay them Rents.* But by His Majeſties Letters it will appear, how he was adviſed to change ſome particulars of the firſt Draught, to which Counſels His Majeſty did willingly give ear: though there were ſome about him of both Nations, ſtudious enough to diſſwade him from any thing that looked like a temper; ſome carried on by their Revenge, and paſſionate Reſentments: others were acted perhaps with worſe Principles and Deſigns. In end His Majeſty having reſolved on a draught of a Proclamation, he ſent one to the Marquis with this following Letter.

Hamilton,

I *Send you with this my* Proclamation, *as I have now made it upon debate with Sir* Lewis Stewart, *wherein I have altered nothing from the firſt, but what I wrote you by my laſt; only I have added ſome things of favour to thoſe that ſhall repent, which nevertheleſs are of ſo little moment, that although this ſhould not come to your hands time enough, the other might paſs very well. As for the publiſhing of it, I ſhall doe my beſt to get it proclaimed both in* Edinburgh, *and in the reſt of the Kingdom: nevertheleſs you muſt not leave to doe your beſt for the publiſhing of it. So wiſhing good ſucceſs as well to your Perſon as Cauſe, I reſt*

York, 7 Apr. 1639. Your aſſured conſtant Friend,

CHARLES R.

And with this Letter the King ſent the following Order written with His Own Hand.

Hamilton,

An. 1639.

Hamilton,

I *Send you herewith my Pleaſure in a Proclamation to my Subjects of* Scotland, *and by this command you to uſe all ſort of Hoſtility againſt all thoſe who ſhall not ſubmit themſelves according to the tenour of the ſame; for which this ſhall be your Warrant.*

York, 7 Apr. 1639. CHARLES R.

At the ſame time the Marquis received the following Letter.

Hamilton,

I *Have ſpoken with* Henry Vane *at full, of all thoſe things that were concerted betwixt you, and agree in all things but one, which is, that he thinks your going into the* Frith, *will make the Rebels enter into* England *the ſooner; whereas on the contrary, I think that my poſſeſſing of* Carliſle *and* Berwick *hath made them ſo mad, that they will enter in as ſoon as they can perſwade an Army together, except they be hindred by ſome awful Diverſion: wherefore I could wiſh that you were even now in the* Frith, *though the Borders might be quiet till my Army be brought together, which they ſay will hardly be yet theſe ten days. Yet I am not out of hope to be at* Newcaſtle *within theſe fourteen days, and ſo to* Berwick *as ſoon as I may with either Honour or Safety; wherefore my Concluſion is, go on a Gods Name in your former Intentions, except I ſend you otherwiſe word, or your ſelf find ſome inevitable neceſſity: and ſo I reſt*

York, 10 Apr. 1638. Your aſſured conſtant Friend,

CHARLES R.

POSTSCRIPT.

I have ſent you ten Blanks, whereof four be Signaturewiſe.

The Marquis is at *Yarmouth* to put his Souldiers aboard.

Both theſe found him at *Yarmouth Road* on the fifteenth of *April*, whither he was come to take in his Souldiers. The Officers were very affectionate to His Majeſties Service, but did not know what their employment was to be, ſave that in general they were to go to Sea. When he told them they muſt go to *Holy-Iſland*, and there receive the Kings further Orders, they ſeemed ſurprized; yet were reſolved on Obedience. Their men were good bodies, well cloathed, and well armed; but ſo little exerciſed, that of the 5000 there were not 200 that could fire a Muſket. The occaſion of this was, a Clauſe in the Councils Let-

An. 1639. ter to the Lieutenants of the Counties, in which they were levied, that if other good men could be had, the trained men ſhould be ſpared; and the Deputy-Lieutenants upon this ordered it ſo, that not ſo much as the Serjeants and Corporals were trained. But whether there was a Deſign in this God knows, for nothing appears to make it out beſide Jealouſies. This was a great affliction to the Marquis, for he knew the King confided much in him; and yet he ſaw there was an Impoſſibility of his doing any thing to purpoſe, till the Souldiers were ſome ways exerciſed; which he cauſed doe upon the Ships as frequently as was poſſible. The furniſhing them with Water and other neceſſaries, together with Croſs Winds, kept them ſome days in the Road; and before they got out of it, the Marquis received the following Letter from His Majeſty.

Hamilton,

IT is true that I was content to hear your Advice concerning your going into the Frith, *it being chiefly to ſhew* Henry Vane, *that your Judgement went along as well as your Obedience: though I had a care ever to take off from you the envy of ſeeking this particular Imployment, taking it, as it is juſt, upon my own abſolute Command; yet I will not ſay, but that you might have cauſe to wonder, becauſe neither of us expreſſed our ſelves ſo clearly as we might. But my chief errand to you at this time is, that upon ſerious Debate upon your long Letter to* Henry Vane, *only with him and* Arundel, *(for I dare truſt no other) we found no reaſon to alter my former Commands, but were more confirmed in the fitneſs of them; only we have thought requiſit to alter ſome things in the Proclamation, which you ſhall receive by the next Diſpatch, at furtheſt within a day or two of this: ſo that you are not to (indeed I think you cannot) publiſh any, until the New one come to you, (for I believe it will be at the* Holy-Iſland *before you:) the Alterations of which you will only find to be, that I do not ſay all I think; but in no ways ſlack my Reſolution, much leſs ſeem to yield to any new thing. So referring you to* Henry Vane *for the relating of our Proceedings here, I reſt*

York, 18 Apr. 1639. at ten a clock at night.

Your aſſured conſtant Friend,

CHARLES R.

About the end of the Month he ſet Sail, but the Winds were contrary, and ſo it was the 29th of the Month e're he got to *Holy-Iſland*; where he met the following Letters from His Majeſty.

Hamilton,

An. 1639.

Hamilton,

ACcording to my Promiſe on Thurſday laſt, I ſend you herewith the Proclamation altered as I then wrote; and that you may not think that theſe Alterations are grounded upon new Counſels, I ſhall deſire you to obſerve, that I do not ſo much as ſeem to adde the leaſt thing to my former Promiſes. It is true, that I neither mention the late pretended General Aſſembly at Glaſgow, *nor the Covenant, at this time: my reaſon is, that if for the preſent I could get Civil Obedience, and my Forts reſtored, I might then talk of the other things upon better terms. As for excepting ſome out of the General Pardon, almoſt every one now thinks that it would be a means to unite them the faſter together; whereas there is no fear, but that thoſe who are fit to be excepted, will doe it themſelves by not accepting of Pardon, of which number I pray God there be not too many: So that you are now to go on according to your former Directions, onely proclaiming this inſtead of my former ſigned Proclamation; and ſo to proceed with Fire and Sword againſt all thoſe that ſhall diſobey the ſame. So praying to God to proſper you in all things, I reſt*

York, 10 Apr. 1639. at 4 in the Afternoon.

Your aſſured conſtant Friend,

CHARLES R.

Hamilton,

BEfore that this come to your hands you will have received two of mine of an elder Date, to which I can adde ſo little, that if I had not received yours of the 18th, *I would not have written at this time. You have done well in laying all the Doubts before me, and ſhewing all your Defects, (for which I am heartily ſorry) by which I ſee there is not ſo much to be expected as otherwiſe there might: yet I continue my former Reſolution, being glad that your own inclination leads you thereto; recommending* Tantallon *to your thoughts, for the which I have agreed with the true Owner. Think not of the North untill I have done ſome good in the South. I ſhall haſte to* Berwick *as ſoon as poſſibly I may; but I fear it will not be before the* 12th *of* May, *and I hope the* 15th *will be the lateſt. So hoping to have a merry meeting with you in* Scotland, *I reſt*

York, 23 Apr. 1639.

Your aſſured conſtant Friend,

CHARLES R.

An. 1639. With theſe he got alſo the following Note in anſwer to his laſt Letter from *Yarmouth-Road.*

Hamilton,

HAving opened your Pacquet to Maſter Treaſurer, I could not but tell you, that I could not but pity your croſs Winds, and commend your Diligence: and ſo I reſt

York, 25 Apr. 1639.

Your aſſured conſtant Friend,

CHARLES R.

Having received theſe Orders he held on his Courſe, and on the firſt of *May* he entred the *Frith*, and found the fitteſt place to caſt Anchor in was *Leith-Road.* The Covenanters had committed a great eſcape, in not building a Fort on *Inchkeith*; which might have occaſioned much trouble to him, beſides that it would have kept that Place from him, which proved of great uſe to his weary Souldiers. As ſoon as he came thither, Fires were preſently ſet up on all the Hills to gather the Country for the defence of the Coaſt, which they expected he ſhould have ſet on immediately. But he was firſt to get the Proclamation publiſhed, wherefore that ſame night he ſent one aſhore with a Letter to the Clerk of the Council, commanding him to come aboard. He wrote alſo to the Magiſtrates of *Edinburgh* to ſend him to him. The Bearer of theſe Letters was uſed civilly, but kept as a Priſoner; and the Town-Council of *Edinburgh* excuſed themſelves from ſending the Clerk of the Council to him. The Clerk alſo wrote to him, that he was kept by Force from coming to wait upon him. Next day he landed his Regiments on *Inchkeith* and *Inchcolm*, (two little Iſlands in the *Frith*;) one of them upon the former, and two on the latter, both for giving them air, and exerciſing them. He cauſed alſo ſearch and cleanſe the Wells of theſe Places, which gave great relief: but at this time the Small Pox got among his Men, whereupon he put all the Infected in Ships by themſelves; ſome few died. Yet for all the ſtories were made of his Mens dying below Decks, very few died during his whole ſtay at Sea; and he divided his care ſo equally among them, and was ſo obliging to them all, that they not onely were far from mutinying, but all of them became moſt cordial to him: and the Colonels did highly magnifie both his Conduct, and his obliging Civilities to them, in their Letters to Sir *Henry Vane.*

He ſends the Kings Proclamation to *Edinburgh.*

Three days after his former Meſſage he ſent one aſhore with His Majeſties Proclamation, (incloſed in a Letter to the Magiſtrates of *Edinburgh*) commanding them to publiſh it next day in due form, under all pains; and ſent another Proclamation to the Clerk of the Council, commanding him to ſee it publiſhed; or if that were not done, to cauſe affix it at the Croſs. And next day at the hour wherein it ought to have been publiſhed, he cauſed looſe ſome Peece of Ordnance: but the Magiſtrates of *Edinburgh* deſired a delay of three days; to which he yielded becauſe he was willing it might fall out ſo, that as ſoon as the eight days pre-

prefixed in the Proclamation were expired, His Majeſty might be on the Borders, that ſo they might be ready to enter into Hoſtilities immediately. Upon which he wrote to His Majeſty what he had learned of the Strength and Reſolutions of the Covenanters, ſuggeſting how neceſſary he believed it was to liſten to a Treaty, if the Covenanters deſired it. *An.* 1639.

On the 9th of *May* he received the following Letter, ſigned by about 40 of the chief Lords and Gentlemen of the Covenant, the Original whereof is yet extant.

Pleaſe your Graee,

AS we were here met to attend the Parliament indicted by His Majeſty, there was ſhewed to us by the Provoſt of Edinburgh *a Letter from your Grace to himſelf, and the Bailiffs, and Council of this City, with the Copy of theirs returned to your* Grace, *deferring the more full Anſwer till our Meeting. And withall there was preſented from your Grace His Majeſties Proclamation, which having peruſed, we find it doth contain divers points not onely contrary to our National Oath to God, but alſo to the Laws and Liberties of the Kingdom: for it carries a denunciation of the high crime of Treaſon againſt all ſuch as do not accept the Offer therein contained; albeit it be onely a Writing put in Print without the Kingdom, and not warranted by Act and Authority of the Council, lawfully convened within this Kingdom. And your Grace in your Wiſdom may conſider, whether it can ſtand with the Laws, Liberties, and Cuſtoms of this Kingdom, that a Proclamation of ſo great and dangerous Conſequence, wanting the neceſſary Solemnities, ſhould be publiſhed at the Mercat-croſs of this City. Whereas your Grace knows well, that by the Laws of this Kingdom, Treaſon and Forfeiture of the Lands, Life, and Eſtate of the meaneſt Subject within the ſame, cannot be declared but either in Parliament, or in a Supreme Juſtice-Court, after Citation and lawful Probation, how much leſs of the whole Peers and Body of the Kingdom, without either Court, Proof, or Trial. And albeit we do heartily and humbly acknowledge and profeſs all dutiful and civil Obedience to His Majeſty as our Dread and Gracious Soveraign: yet ſince this Proclamation does import in effect the renouncing of our Covenant made with God, and of the neceſſary means of our lawful Defence, we cannot give Obedience thereto, without bringing a Curſe upon this Kirk and Kingdom, and Ruine upon our ſelves and our Poſterity; whereby we are perſuaded, that it did never proceed from His Majeſty, but that it is a deep Plot contrived by the Policy of the Deviliſh Malice of the known and curſed Enemies of this Church and State; by which they have intended ſo to disjoyn us from His Majeſty, and among our ſelves, as the Rupture, Rent, and Confuſion of both, might be irreparable, wherein we hope the Lord (in whom we truſt) ſhall diſappoint them. And ſeeing we have left no means poſſible uneſſayed, ſince His Majeſties coming to* York, *(as before) whereby His Majeſties Ear might be made patent to our juſt Informations, but have uſed the help (to our laſt Remonſtrance) of the Lord* Gray, *the Juſtice-Clerk, the Treaſurer, and the Lord* Daliell, *as the Bearer can inform your Grace, and yet have never had the happineſs to attain any hopes of our end, but have altogether been fruſtrate and diſappointed thereof; and now underſtanding by the ſight of your Graces Letter, that your Grace as His Majeſties High Commiſſioner is returned with full Power and Authority to accommodate Affairs in a peaceable way, we will not ceaſe to have recourſe to your Grace, as one who hath chief Intereſt in this Kirk and Kingdom, deſiring your Grace to conſider,*

(as

An. 1639. *(as in our Judgments we are perſuaded) that there is no way ſo ready and aſſured, to ſettle and compoſe all Affairs, as by holding of the Parliament according to His Majeſties Indiction, either by His Sacred Majeſty in Perſon, which is our chiefeſt deſire, or by your Grace as His Majeſties Commiſſioner, at the time appointed, wherein your Grace ſhall find our Carriage moſt Humble, Loyal, and Dutiful to our Soveraign, or to your Grace as repreſenting His Majeſties Perſon: and in the mean time that your Grace would open a ſafe way, whereby our Supplications and Informations may have acceſs to His Majeſties Ears. And we are fully perſuaded, that we ſhall be able to clear the Lawfulneſs and Integrity of Our Intentions and Proceedings to His Majeſty, and make it evident to His Majeſty, and to the World, that our Enemies are Traitors to the King, to the Church and State; and that we are and ever have been His Majeſties Loyal and Obedient Subjects. So we reſt*

Edinburgh,
9 May, 1639.

Your Graces humble Servants,

A. Leſley	Dalhouſie	Forreſter
Argyle	Lothian	Erskins
Marre	Angus	Boyd
Rothes	Elcho	Napier
Eglinton	Lindeſay	Burghly
Caſſils	Balmerino	Kirkudbright
Wigtown	Montgomery	

And about 30 Commiſſioners for Shires and Burroughs.

To this Letter the Marquis wrote the following Anſwer next day, directing it to the Earl of *Rothes*.

My Lord,

I Received a Letter yeſterday morning ſigned by your Lordſhip, and divers Noblemen, and others, wherein you alledge you are come to attend the Parliament; but conſidering your Preparation and Equipage, it appears rather to fight a Battel, than to hold a Civil Convocation for the good of the Church and Commonwealth. You may perceive by His Majeſties Gracious Proclamation, that he intended in His Own Sacred Perſon to be preſent at the Parliament, ſo ſoon as with Honour and Safety he might doe it, and for that end expreſt therein what was fit to be done. But theſe Courſes which you take, and your Diſobedience to his Juſt Commands, daily more and more ſhewed, will neceſſitate him to have them put in execution another way.

It is true, that His Majeſty ſent me hither to accommodate theſe Affairs in a peaceable manner, if it were poſſible, which I have laboured to doe; and accordingly my Deportment hath been, which hath been met with that Retribution, as if I had met with the greateſt Enemy: but your refuſing to publiſh His Majeſties Grace to his People, ſignified in his Proclamation, hath taken away that Power which otherwiſe I had; that being a Liberty taken to your ſelves, which never any Loyal Subjects aſſumed in any Monarchy. You alledge many Reaſons for your ſelves, of the Illegality of that Proclamation; but you cannot be ignorant, that your Carriage hath forced many of theſe principal Councellours for ſafeguard of their Lives to forſake the Kingdom, out of which they remain yet for the ſame cauſe. You have ſuppreſſed the Printing of all Writings,

tings, but what is warranted by Mr. Alexander Henderſon, *and one Mr.* Archibald Johnſtown: *neither was the Clerk of the Council, whom I ſent for twice to give him Directions concerning this Buſineſs, permitted to come aboard to me, upon Conference with whom (for any thing you know) I might have reſolved to come aſhore my ſelf, and convened a Council for the Publication thereof, in the ordinary way. But your extraordinary Proceedings in all things muſt needs force from His Majeſty ſome things, which perhaps you may think not ordinary. Whereas you deſire me to be a means that your Supplications may have free acceſs to His Majeſties Ears, it is a work of no difficulty; for His Majeſty hath never ſtopt his Ears to the Supplications of any of his Subjects, when they have been preſented to him in that humble and fitting way which became dutiful Subjects: nor did I ever refuſe any all the time I was among you, or conceal any part of them from His Majeſty. So that your Allegation of not being heard, is grounded upon the ſame falſe Foundations that your other Actions are; and ſerves onely for a means to delude the ſimple People, that by making them believe what you have a mind to poſſeſs them with, they may become backers of your unwarranted Actions; which as it is generally lamented by all His Majeſties good Subjects, ſo it is more particularly by me, who have had the Honour to be imployed in this Buſineſs with ſo bad Succeſs.* *An.* 1639.

My Lord,

Your humble Servant,

HAMILTON.

After this on the 11th of *May* a Letter came from the Council and Seſſion, deſiring liberty to ſend ſome of their number to wait on him, which being granted, *Southesk* and *Innerpeffer* came to him with a very bare Meſſage, asking what he had to propoſe: he ſaid it was contained in the Proclamation, to which he could neither adde nor change. They repreſented to him the Rage in which all People were, and how hard a Work it would prove, either to reclaim them by Reaſon, or conquer them by Force, unleſs way were given for ſome time to their Follies. Some come aboard and treat with him.

On the 13th day he received a Letter from His Majeſty, which follows.

Hamilton,

THe length of Henry Vane's *Diſpatch will ſhorten this, not being willing to trouble my ſelf with writing, nor you with reading, of Repetitions. This I muſt obſerve to you, that whatſoever either he or I writes at this time is no abſolute Command, but meerly Advices to help your Knowledge, that you may the eaſier judge what is beſt for my Service. Upon this ground I ſend you here a Diſcourſe of Mr.* Thomas Hamilton's, *wherein many things to my ſeeming are very well ſaid, but how far practicable, or when, I leave you to judge; as likewiſe upon the whole matter I give you my Opinion, that if you find*

An. 1639. *find it not fit to land all your* 5000 *men upon* Lothian-*ſide, then it may be counſellable to ſend moſt of your Land-men to the North, to ſtrengthen my Party there. As for your landing in the South, I ſhall onely name two Places beſides* Tentallon, *to wit,* Sterlin, *(if that be not too far off to be relieved) and* Dumbar: *as for* Tentallon, *I ſhall command the Marquis of* Douglaſs *to ſend one to agree that buſineſs with you. So longing to hear from you, and wiſhing you good luck, I reſt*

Newcaſtle,
May 8. 1639.

Your aſſured conſtant Friend,

CHARLES R.

To this ſhall be added the Paper mentioned in the Kings Letter.

A Paper of the Ferries in *Scotland.*

THE River of Neſſe *is large and deep, falleth out of a Lake named* Neſſe 24 *miles long, and* 5 *or* 6 *in breadth, into a great Bay of the Sea. On this River ſtandeth the Town of* Innerneſſe, *which hath a ſtrong Caſtle, in the keeping of the Marquis of* Huntley, *as yet not taken: if in this Town and Caſtle were put a competent Garriſon, with a Ship and Pinnace in the Bay, you might break the Ferry-boats, and ſtop all Paſſages from Northward of that River.*

The River of Tay *falleth out of a Lake ten miles long, and one and an half broad, from whence the River hath the name, which is the main and onely Paſſage between the North and the South parts of the Kingdom. This River falleth into the Eaſt Sea below* Dundie, *the biggeſt Town almoſt in* Scotland. *At the entry to the Sea it is two miles broad, and continueth the ſame breadth upward till within three or four miles of* Saint Johnſtown, *between which Town and* Dundie *there are* 16 *miles and above, at no part whereof there is any Paſſage but by Ferry-boats. If a few Ships would ride at the mouth of this River below* Dundie, *and ſend up ſome ſmall Pinnaces, they might break all the Ferry-boats, and ſtop all the Paſſages that could be made over at any part, between the North of the River and the ſaid Town of* Saint Johnſtown, *above which to the ſaid Lake the River is not ridable, but at ſome few Fords; the Paſſages whereof might be kept by the Noblemen who ſtand well-affected to His Majeſties Service, and whoſe Eſtates do lie thereabouts in* Strathern: *ſuch as the Earls of* Airly, Perth, Tullibardin, *and* Kinnowl, *who if they were ſent home with a competent number of Souldiers to attend them, all thoſe of their Name, their Friends and Tenants gathered unto them, might ſtop all Land-paſſages whatſoever from North to South.*

And in caſe the People of Fife, *who dare not now croſs* Forth-*river in regard of your Majeſties Ships, ſhould march with Supply by* Sterlin-*bridge to* Lothian, *theſe Noblemen with their Forces might be in ſome narrow Paſſage in their way; and if they could not force them to retire, yet they might fall upon their Country in their abſence, ſo that they could not both be able to defend their Sea-coaſts, and ſecure them from danger on their backs: neither durſt they all turn back on* Strathern, *for fear that thoſe of the Fleet ſhould land on their ſhores in their abſence.*

The

The Shire of Perth *would be a Rendezvous and ſafe retreat to all thoſe of* Fife, Angus, Strathern, *and* Highlands, *who upon this Proclamation ſhall abandon the Covenanters Party, and ſtand for His Majeſties Service.* *An.* 1639.

Theſe four Noblemen, with the number Your Majeſty will ſend with them, might be ſent almoſt to their Dwellings by Sea on the ſaid River.

If the Town of Sterlin *were ſeized, theſe River-paſſages made ſure, and the Town of* Aberdeen *ſecured, in regard of Your Majeſties Forces in the North; no harm could be expected from benorth* Leith.

The 13th of *May* the Marquis received the following Letter, ſigned, but not written, by the Earl of *Rothes*.

Pleaſe your Grace,

The Earl of *Rothes* his Letter to the Marquis.

I Should have been far better contented to have ſeen you here at the Parliament with His Majeſty, or holding that indicted as His Majeſties Commiſſioner, than with a Navy and Army to conſtrain us beyond theſe juſt limits of Religion and lawful Obedience, which we were always willing to perform. It was far by my Expectation, *and your Graces Oath and Promiſe, that you ſhould ever come in any chief Command againſt your Native Country. Whereas your Grace doth challenge our coming in ſuch numbers to attend this Parliament, I hope you conceive that this Navy and Army upon the Borders, and the Invaſion threatned in the Weſt, do ſufficiently warrant our Preparations to defend theſe places, and divert ſuch dangers. That Proclamation that is ſaid to carry ſo much Grace and Goodneſs, is as deſtitute of that, as your Invaſion is of a good Warrant; which perſuades me, that neither of the two proceeds from His Majeſties own Gracious Diſpoſition. I cannot ſtand here to anſwer all theſe miſconceived particulars, contained in your Graces Letter; but if I had the Honour to ſee your Grace, before any more miſchief be done, I dare engage my Honour and my Life to clear all theſe Imputations laid on our Proceedings; and I can demonſtrate how hardly we have been uſed without any juſt reaſon. I dare not be anſwerable to God Almighty, and to that Duty I owe my Prince and Country, if I do not ſhew your Grace, that your going a little further in this violent and unjuſt way will put all from the hopes of Recovery, for which both a great deal of Blame from Men, and Judgment from above ſhall attend you, as the ſpecial Inſtrument, which I wiſh you labour to evite. If our Deſtruction be intended, we are confident in that Majeſty who owns this Cauſe, and is able to defend it: and if onely Terrours to fright, and prepare us to accept of any Conditions will be offered, that Intention is already as far diſappointed as any of theſe many former. But as we are ready to defend, ſo ever to inſiſt in ſupplicating, and uſing all humble and lawful means, as becomes us. Mr.* Borthwick *will deliver to your Grace our Supplication to His Majeſty, and both his and my mind, till I ſhall have the occaſion to diſburden my ſelf ſurcharged with grief at your Proceedings; being moſt deſirous (as I have been formerly) to have all theſe occaſions removed that may divert me from being ſtill*

Your Graces humble Servant,

ROTHES.

On the 17th of *May* the Marquis returned the following Anſwer to the former Letter.

An. 1639.

The Marquis his Anſwer.

My Lord,

I Have received your Lordſhips Letter ſigned by you, but I cannot conceit of your Lordſhips enditing; for I believe you would not have ſent ſuch an one to me, if you had not had ſome malignant ſpirits buſied in the framing of it; for you cannot but remember that my words were never other, than that I would die at my Maſters feet, and that I would prove an Enemy to the uttermoſt of my Power to this Kingdom, if my Countrymen continued in their Obſtinacy: and here I ſet it under my Hand, that I will (by Gods Grace) make it good. It is true, knowing my own inability, I neither deſired, nor indeed willingly did accept, the Conduct of an Army againſt this Nation; but my backwardneſs proceeded not out of a deſire not to be imployed againſt ſuch in this Country as were diſobedient, but that His Majeſty might have found many more able to have ſerved him: but ſince he hath been pleaſed to truſt me, I will not deceive him.

You paſs by many particulars in your Anſwer to my Letter untouched, ſaying, you cannot ſtand here to anſwer them. It is moſt true, they are not to be anſwered, and ſo I take it. As for your own Juſtification, it is the ſame which you have ever uſed, and ſo continue: but the beſt is, none that ever were truly informed of your Proceedings, doth or can give any approbation of them.

You ſay, If I go any further in a violent courſe, it will be paſt all hope of Remedy. If I doe, none can blame my Maſter, for that can never be called Violence which is onely to ſuppreſs Rebellion: and if I proceed to execute his Commands therein, you are the cauſers of it. As Mr. Borthwick *told me, I expected to have heard further from you before now: but nothing coming, I would forbear no longer to give you this Anſwer under my Hand, that both you and all the World may take notice what my Inclinations are, which notwithſtanding I do infinitely deſire they may be ſtopt by your ſpeedy and real Submiſſion to His Majeſties juſt Commands. And this is the prayer of him who wiſheth it may be ſtill lawful for him to call himſelf*

From aboard the *Rainbow*, 27 *May*, 1639.

Your Lordſhips humble Servant,

HAMILTON.

The Kings Proclamation not ſuffered to be publiſhed.

Upon this the Marquis was hopeleſs of getting the Proclamation publiſhed: wherefore he ſent a great many Copies of it to all places, as he had occaſion, to be diſperſed over the Country. At the ſame time the King ſent Sir *James Carmichael* the Treaſurer-depute to *Edinburgh*, to get it publiſhed; and he meeting the *Lyon-Herald* require him to go doe his Duty; but he was timorous, and being threatned with his Life, as he was going to the Croſs, run away without putting on his Coat.

The Marquis propoſeth a Treaty to the King.

On the 14th of *May* the Marquis diſpatched Sir *James Hamilton* to the King, with an account of all he had learned, deſiring poſitive Orders how to proceed: whether eight days being now paſſed ſince he had offered the Proclamation, he might not proceed to Hoſtilities; or if he ſhould continue talking in the language of a Treaty: and ſent the following Paper to Sir *Henry Vane*, of the Heads on which he thought a Treaty might be ſet on foot.

If

An. 1639.

IF they can be brought to lay down their Arms, and every man to repair in quiet manner unto their own Dwellings, except ſuch who are to attend the Parliament. I.

If they can be brought to deliver up Your Majeſties Caſtles, and other private mens Houſes they have taken, with the Arms and Ammunition they have taken. II.

If they can be brought to expreſs their Sorrow, that they have offended Your Majeſty, and humbly crave Your Majeſties Pardon for the ſame. III.

If they can be brought to ſupplicate, that what they have to ſay againſt Biſhops may be heard in the next Parliament; and as their Deſire ſhall ſeem juſt or unjuſt, there to receive a Ratification or Denial. IV.

The like for the laſt pretended General Aſſembly. V.

If they in all Civil things will acknowledge Your Majeſties Authority, and ſwear Obedience to the ſame. VI.

If they will deſiſt from their going on in their Fortifications, and they onely to remain in the eſtate they are in till the end of the Parliament. Though there is little hope of doing good by Treaty, or that they will condeſcend to this; yet I thought it my duty to give Advertiſement of this, and humbly to crave Anſwer and Orders in writing, how far I ſhall give way, and how I ſhall carry my ſelf. VII.

Hamilton.

I ſhall deſire that none may ſee this but His Majeſty, or at leaſt that it be not known that it came from me.

In Anſwer to this His Majeſty wrote him the following Letter.

Hamilton,

I Have kept this honeſt Bearer the longer, that I may with the more aſſurance give you my Directions what to doe, conſiſting of two points, Fighting and Treating: for the firſt, we are ſtill of the ſame Opinion, that it is not fit that you ſhould give on untill I be on the Borders, which will be (by the Grace of God) by this day eight days, except you find that before that time they march down to meet me with a great Strength. In that caſe you are to fall on them immediately, and in my Opinion as far up in the Frith *as you think probably may doe good, thereby to make a Diverſion. In the mean time I like well, that you go on upon that ground of Treaty you ſent a Note of to Maſter Treaſurer, (which you will find I have underwritten) no body elſe being acquainted with it. Thus having given you my Directions both concerning Fighting and Treating, I leave the reſt to the faithful Relation of the honeſt Bearer, and reſt*

Newcaſtle,
17 May, 1639.

Your aſſured conſtant Friend,

CHARLES R.

An. 1639. And with this Letter His Majeſty ſent back the Note of the Grounds of Treaty, which was ſent to Sir *Henry Vane*, with the following words written at the end of it with his own Hand.

of which His Majeſty approves. *I like well that you go on upon thoſe Grounds of Treaty untill I come to the Borders: which will be (by the Grace of God), by the* 15*th of this Moneth.*

Newcaſtle,
16 May, 1639. C. R.

After this the Marquis was aſſaulted with thundering Letters from all Hands, both from Miniſters and Noblemen. Many of theſe Letters, with the Copies of his Anſwers, are yet extant, and run in a ſtrain very far from any thing of Friendſhip or Correſpondence; indeed they look liker Challenges than Letters of Civility. The Covenanters deſired a Safe Conduct for ſuch as they ſhould ſend to him to treat with him: but he anſwered, he was the Kings Commiſſioner, and ſo would give no Conduct for any of his Subjects coming to wait upon him. And after a days Adviſement, they ſent the Lord *Lindſay* (the Marquis his Brother-in-law) aboard with a Petition of the former ſtrain, who told the Marquis, that they would lay down their Lives ſooner than paſs from what they had done; that their Army conſiſted of 25000 Men: they knew the Kings Cavalry was better than theirs, but their Infantry exceeded his far. After ſome Diſcourſe had paſſed, (all before Witneſſes) the Marquis diſmiſſed him. In the mean while all Trade was ſtopt, and every Veſſel that belonged to *Scotland* was ſeized: onely ſuch as took an Oath for adhering to the King againſt the preſent Rebellion in *Scotland*, were let go, according to His Majeſties Orders. One Veſſel was taken which was of more Importance, having in her about twenty Officers, who were coming home from *Germany* upon *Leſley*'s Invitation. All theſe the Marquis ſent to *Berwick*. He ſent alſo a free Advice to the King, informing him of all he knew of their Strength: and that beſides the Army, which was marching to the Borders, there were about 20000 Men lying on both ſides of the *Frith*, ſo that his being there made a powerful Diverſion. He beſought His Majeſty not to hazard on a Battel, the ſucceſs whereof was always dubious, but more than commonly ſo in this caſe, where the one ſide was deſperate, and the other but half cordial. He told His Majeſty, how much he feared his Foot might be too weak, wherefore he deſired His Majeſty to conſider, if he would call for two of His Regiments; ſince all the three were not ſufficient for him to land with them, and march into the Country, and one was enough to burn the Coaſt, which was all he could doe: and for that he was reſolved not to fail in it as ſoon as he had Orders; adding, that in a Fortnight he would doe all that could be done that way: after which he thought it would be fitteſt, that he went Northward, and landed His Regiments there, (which muſt be ſupplied another way, if His Majeſty called for any of them) where ſome good might be done. But as for Treating, he deſired His Majeſty would imploy others in it, if that were to be done; for he confeſſed his Spirit was ſo irritated againſt them, that he deſired nei-

neither to ſee nor meddle with them: onely he told His Majeſty, that the Covenanters had addreſſed both their Letters and Petitions to ſome *Engliſh* Lords, which he thought they ſhould have brought to His Majeſty unopened, and given no other Anſwers but ſuch as His Majeſty ordered. *An.* 1639.

On the 26th of *May* he received the following Letter from His Majeſty.

Hamilton,

RUmours come here ſo thick, of the great Forces that the Rebels mean very ſhortly to bring down upon me, that I thought it neceſſary to advertiſe you, that you may be ready at the firſt Advertiſement to land at the Holy-Iſland, *wind and weather ſerving; yet not to come from where you are untill I ſend you word, except you ſhall find it neceſſary by your own intelligence: and ſo I reſt*

Your aſſured conſtant Friend,

Newcaſtle,
22 May, 1639.

CHARLES R.

POSTSCRIPT.

I leave it to your Conſideration, if it be not fit to leave ſome 300 *Men in* Inchcolm, *though it ſhould be fit that you ſhould come away with the reſt of the Landmen.*

The King calls for two Regiments from the Marquis.

And the day following Sir *Henry Vane* wrote to him to ſend two of his Regiments to *Holy-Iſland*, to which Letter the King added with his own Pen,

I have ſeen and approved this;

C. R.

Upon this Order the two Regiments, commanded by *Morton* and *Harecoat*, were accordingly diſpatched away immediately, and did land at *Berwick* on the 29th of *May*. About this time the Covenanters ſent a new Meſſage to the Marquis, the account whereof ſhall be given from a Paper written by Sir *Henry Devick*, who was particularly truſted by His Majeſty at this time, and was a Witneſs to the Conference. The Paper follows.

A Conference betwixt ſome Covenanters and the Marquis.

THE whole Diſcourſe (ſo far as I can remember of it) may be reduced to theſe Heads.

Their Invitation of your Excellence to go in perſon to His Majeſty, to preſent their Deſires, and to mediate for an Accommodation.

To this your Excellence anſwered.

Firſt, that having full Power from His Majeſty to treat and conclude of all things concerning that Buſineſs, you held it unneceſſary to go to him.

Se-

An. 1639. *Secondly, your Excellence thought it unfit, you having ſo great a Charge here, which required your preſence, and they having propounded nothing that could give ſufficient occaſion to ſuch a Voyage to undertake it.*

Thirdly, that if the diſtance from His Majeſty were thought by them to be a hindrance to the Treaty, they might addreſs themſelves to His Majeſty by ſuch of the Nobility as were about him, who was not diſtant above threeſcore and twelve miles from the Leaguer.

They replied, that things would be more facilitated by your Excellence's being there, wiſhing, that as you had a part in the beginning of theſe Affairs, you might have the Honour to put an end to them.

Your Excellence returned, that the Lords Traquair *and* Roxburgh, *who were now with His Majeſty, were imployed in them before you; which they acknowledged, but wiſhed it had never been, confeſſing that they were ſpoiled before you had the managing of them.*

Concerning a Ceſſation of Acts of Hoſtility, both by Sea and upon the Frontiers, where they complained of divers Inſolencies committed by the Horſe-troops of His Majeſty; your Excellence anſwered, That in what concerned the firſt, you had committed none ſince your coming hither: true it was, you had ſtayed and taken many Barques and Boats, but ſome of them you had diſmiſſed without touching any thing that they had in them; and theſe from whom you did take to ſupply your uſes, you had paid them for it: that this day you had ſent to Burnt-Iſland, *and would doe ſo to other Places, to offer them full permiſſion of Trade, provided they would ſwear not to carry Arms againſt His Majeſty, and take the Oath of Fidelity; and for the Fiſhermen you required no Oath.*

As for the other, namely ſome pretended Inſolences upon the Frontiers, you knew of none, and believed not any; and if there was any it was their fault, by their deferring to return to their Obedience to His Majeſty: and when they made Inſtance in ſome particulars, your Excellence did cut them ſhort, and ſaid, That it was an unfit thing, and nothing conducible to make an end of Buſineſs, for them to ſtand upon thoſe Punctilio's with their Soveraign; and for your particular, you would never be an Inſtrument of any diſhonourable Act to His Majeſty, ſuch as would be the engaging him not to correct the Miſdemeanours of his Subjects: that you had made a like Anſwer when you was demanded for Paſs-ports to thoſe that ſhould come to you; which you had rejected, as judging it diſhonourable for His Majeſty to grant, or any of his Subjects to ask or capitulate with His Majeſty for.

They preſſed to know what His Majeſty required of them, and what would be the extent of his condeſcending to their Deſires in point of Conſcience, namely touching Biſhops, and the Acts of the laſt General Aſſembly; wherein they ſaid if they might have ſatisfaction, they would caſt at His Majeſties feet their Bodies and Fortunes, to be diſpoſed of at his Pleaſure.

In anſwer to this your Excellence cauſed me read His Majeſties Proclamation, wherein deſiring to be cleared of His Majeſties Intentions, in the particular of the Civil Obedience, your Excellence ſaid, it was the retiring with their Troops, laying down their Arms, and the Nobilities waiting on him with their Swords onely upon the Frontier, the reſtoring of His Majeſties Caſtles unto ſuch as His Majeſty ſhould appoint, and the demoliſhing of their own Fortifications unlawfully erected, and the like.

As for the enjoying of Liberty of Religion, wherein likewiſe they did preſs to know how far His Majeſty would condeſcend to their humble Supplications, as likewiſe in the point of the Acts of the laſt pretended General Aſſembly, your Excellence

cellence anſwered, It would be ſo far as the Laws of the Kingdom did permit. An. 1639.

They asked who ſhould judge of theſe Laws, and of their intention, and if it might be decided by a General Aſſembly: Your Excellence anſwered, Yes, and that either His Majeſty would call one, or your ſelf, as His Majeſties High Commiſſioner.

They deſired to know if His Majeſty would ſtand to the Award of ſuch an Aſſembly, eſpecially in what concerned the Acts of the later.

Your Excellence anſwered, His Majeſty was not bound to it, as having his Negative Voice; which they not acknowledging, your Excellence added, that notwithſtanding you were confident, that whatſoever ſhould be agreed on by ſuch an Aſſembly, called by His Majeſties Command, and where the Members ſhould be legally choſen, His Majeſty would not onely conſent unto them, but have them ratified in Parliament.

They deſired your Excellence would limit them a time wherein to return, and treat further with you, with full power to conclude all things wherein they deſired not to be preſſed with ſcantneſs of time, in regard of the Nobilities being diſperſed in ſeveral places of the Country.

Your Excellence anſwered, it ſhould be when themſelves would, were it to morrow or a moneth hence; for you aſſured them, they would find you ſo long in theſe quarters.

Laſtly, they deſired to know, what they might report of what your Excellence had aſſured them of His Majeſties Intentions concerning Religion and the General Aſſembly.

Your Excellence anſwered, that as they brought no Commiſſion to treat of all theſe particulars, but kept themſelves within the limits of the Contents in their Letters, you would doe accordingly in your Anſwer, and that in writing they ſhould receive ſomething to morrow.

This was that Conference which ſome were pleaſed to miſrepreſent under the odious Characters of Treacherous and Secret Dealing with the Covenanters.

At this time there were divers *Scotiſh* Lords and Officers waiting on the King, but being of no uſe and burdenſom to His Majeſty, he ſent them to the Marquis, with whom he wrote the following Letter.

Some Lords come from the King to the Marquis.

Hamilton,

I Cannot let theſe Lords go without a Letter, it being more to pleaſe them than to inform you; there having nothing happened ſince my laſt of the 17th that makes me either alter or take new Counſels: ſo that this is onely to recommend them to your care, in ſo far as may comply with my Service; which ſhews you both my good Opinion of them, as likewiſe that I am

Newcaſtle,
21 May, 1639.

Your aſſured conſtant Friend,

CHARLES R.

But

An. 1639.

But the Marquis was very ill-satisfied with their coming to him, since they were able to doe nothing but help away with his Victuals, which were beginning to run low, and therefore were to be well-husbanded; wherefore he perſuaded them that it was fit for them to go to the Places of their Intereſt, and doe what in them lay for getting ſome to appear for the King: and ſo he got himſelf rid of them the beſt way he could.

Two days after that the Marquis got the following Letter.

Hamilton,

THe Truſt I have both in the Honeſty and Sufficiency of this Bearer, ſhall eaſe me much at this time; therefore I ſhall onely mention what he ſhall ſpeak of more fully to you. The Lord Aboyne*'s Propoſition I have in my laſt recommended to you, though at that time I thought not that himſelf would have been the Meſſenger of it: other Lords I have ſent to you, to ſee if they can doe me better Service there than here, for here I am ſure they can doe none. I ſhall conclude with that with which I have neither acquainted this Bearer, nor any body elſe, to wit, your Propoſition of packing up this Buſineſs. It is true, that according to my Proclamation I would reſt quiet for this time, upon their yielding me Civil Obedience; but that muſt be underſtood by demanding Pardon for their by-paſt Diſobedience, and rendring up what they unjuſtly poſſeſs of mine and others. Leſs than this I will not be contented with, no, not for the preſent. For all this, I do not take my ſelf to be in ſuch a caſe as to conquer them, yet I doubt not but (by the Grace of God) to force them to Obedience (in time,) what by ſtopping of their Trade, and other courſes: therefore go on, for this is the Reſolution of*

Your aſſured conſtant Friend,

CHARLES R.

After them the Viſcount of *Aboyne.*

But on the 29th of *May* the Lord *Aboyne* came to him with the following Letter from the King.

Hamilton,

HAving been ſome days ſince I wrote to you, I could not let my Lord Aboyne *go without theſe Lines, though it be rather to confirm than to adde to my two former: onely I ſhall deſire you to take heed how you engage me in Money-expence. As for what Aſſiſtance you can ſpare him out of the Forces that are with you, I leave you to judge, and I ſhall be glad of it if you find it may doe good.*

The

The truth is, that I find my State of Moneys to be such, that I shall An. 1638. *be able (by the Grace of God) to maintain all the Men I have afoot for this Summer; but for doing any more I dare not promise: therefore if with the Countenance and Assistance of what Force you have, you may uphold my Party in the North, and the rest of those Noblemen I have sent to you, I shall esteem it a very great Service; but I shall not advise you to engage me in further Charge, except it may be the Pay of some few Officers. So not doubting but that you will make as much of little as you may, and recommending this Lord to your care, I rest*

Newcastle,
13 May, 1639.

Your assured constant Friend,

CHARLES R.

The Marquis found *Aboyn* had no Propositions to make besides General Stories, and he saw him to be of an unstay'd Humour, so that he was hopeless of any good account of his business. As for Money, he was limited by the King; and for Men, he had sent away the two Regiments that same day; and since he expected Orders every Hour from His Majesty for somewhat to be executed by the third Regiment, he could not weaken it too much: yet he sent a few Officers, the chief of whom was Colonel *Gun*, together with some Ammunition, and four small Peece of Artillery. And of all this he gave an account to His Majesty, adding, that perhaps some might misrepresent his lying so long idle; but His Majesty knew what Orders himself had given, it being his part to obey: yet he earnestly craved liberty to doe somewhat worth the while; to which he received the following Answer.

Hamilton,

HAving much Business, I refer you to Master Treasurer; yet this I think necessary to pass under my own Hand, (because of a Clause in yours of the 26th of this Moneth) that I am so far from having the least hint in my Heart against you, that I would think my self a happy Man, if I could be as confident in the Faith, Courage, and Industry of the rest of my Commanders and Officers, as I am of you; which makes me really to be

Berwick, May 29th
1639.

Your assured constant Friend,

CHARLES R.

By this time the King had encamped at the *Birks*, three miles from *Berwick*, where His Majesty lay in the Camp himself.

An. 1639. All this while *Traquair* was not allowed to ſee the King, till he had done ſome Service which might expiate his former Errors. And My Lord *Roxburgh* was in the ſame caſe; for he coming to wait on the King at *York*, to clear himſelf of his Sons fault in turning in to the Covenant, His Majeſty was ſo Gracious as to tell him, he believed him innocent, yet for examples ſake he found it neceſſary to keep him under ſome mark of his Diſpleaſure. So after a few days Confinement, both *Traquair* and he were ſuffered to go near the Borders, to ſee whom they could engage to the Kings Service; and they gained the Earl of *Hume* to be ſatisfied with His Majeſties Proclamation, and had got good aſſurances both of the Lord *Johnſtown*, the Earl of *Queensberry*, and of *Buckclengh* his Friends. The Proclamation was publiſhed, firſt at *Heymouth*; next, by General *Arundel* and *Ruthwen* at *Dunce*: upon which *Leſley* brought forward his Forces, and lay at *Duncelaw*, in view of the Kings Army. On the fourth of *June* at noon the Marquis received the following Letter from His Majeſty.

Some on the Borders are gained for the King.

Hamilton,

The King orders the Marquis to enter on Hoſtilities.

THis day I received yours by the Lord Seaton, *and find your Opinion therein very good, if I might ſpare ſo many men; but every one, (that I dare conſult with about this) proteſteth againſt the diminiſhing of one man from my Army: beſides, I have no mind to ſtay here upon a meer Defenſive, which I muſt do, if I ſend you that Strength you mention. Likewiſe I think that I have my Lord* Hume *ſure, and am reaſonably confident of my Lord* Johnſtown; *I have good hopes too of* Queensberry, *and the* Scots; *therefore all theſe things conſidered, it were a ſhame if I ſhould be idle. Wherefore now I ſet you looſe, to doe what miſchief you can doe upon the Rebels for my Service, with thoſe men you have; for you cannot have one man from hence. Leaving the reſt to the relation of this honeſt Bearer, I reſt*

Camp near Berwick,
2 June 1639.

Your aſſured conſtant Friend,

CHARLES R.

who goes about it.

The Marquis no ſooner got this, but he preſently ſet to work, reſolving neither to ſpare *Burroughſtownneſs* which was his own Town, nor *Preſtonpans* which was his Couſins. But a ſtrange Accident befell him the next day; for as he went out in a ſmall Veſſel with a Drake on her, and 60 Souldiers, to view the *Queensferry*, and burn the Ships that lay in the Harbour, he ſaw a Merchant-barque coming down towards him, and he cauſed row up to her: but ſhe perceiving her Danger, run her ſelf aground upon the Sands of *Barnbougle*. The Tide falling apace, and he following her indeliberately, run himſelf likewiſe on ground; where he was like to have been very quickly taken by the men on the Shoar, who were playing upon him, and ſome Volleys paſſed upon both hands. But they on the Land were waiting till the Waters ſhould fall,

fall, reckoning him their Prey already, which had been inevitable, had not the Seamen got out, and being almoſt to the middle in Water, with great tugging ſet them afloat; and ſo he returned ſafe to the Fleet. And this was all the ground for that Calumny, of his making Appointments on the Sands of *Barnbougle* with the Covenanters. *An.* 1639.

The next day at eight in the morning, being the ſixth of *June*, he received the following Letter from Sir *Henry Vane*.

My Lord,

BY the Diſpatch Sir James Hamilton *brought your Lordſhip from His Majeſties Sacred Pen, you were left at your liberty to commit any act of Hoſtility upon the Rebels, when your Lordſhip ſhould find it moſt opportune: ſince which my Lord* Holland *with* 1000 *Horſe and* 3000 *Foot marched towards* Kelſo, *himſelf advanced towards them with the Horſe (leaving the Foot three miles behind) to a Place called* Maxwel-heugh, *a height above* Kelſo: *which when the Rebels diſcovered, they inſtantly marched out with* 150 *Horſe, and (as my Lord* Holland *ſays) eight or ten thouſand Foot; five or ſix thouſand there might have been. He thereupon ſent a Trumpet commanding them to retreat, according to what they had promiſed by the Proclamation. They asked whoſe Trumpet he was, he ſaid my Lord* Holland's; *their anſwer was, he were beſt to be gone. And ſo my Lord* Holland *made his Retreat, and waited on His Majeſty this night, to give him this account.* and gets new orders from His Majeſty.

This morning Advertiſement is brought His Majeſty, that Leſley *with* 12000 *men is at* Cockburn-ſpath, *that* 5000 *men will be this night, or to morrow, at* Dunce, 6000 *at* Kelſo; *ſo His Majeſties opinion is, with many of his Council, to keep himſelf upon a Defenſive, and make himſelf here as faſt as he can: for His Majeſty doth now clearly ſee, and is fully ſatisfied in his own Judgement, that what paſſed in the Gallery, betwixt His Majeſty, your Lordſhip, and my Self, hath been but too much verified on this occaſion. And therefore His Majeſty would not have you to begin with them, but to ſettle things with you in a ſafe and good poſture; and your ſelf to come hither in perſon, to conſult what Counſels are fit to be taken, as the Affairs now hold. And ſo wiſhing your Lordſhip a ſpeedy paſſage, I reſt*

From the Camp at *Huntley-field* this 4th of *July*, 1639.

Your Lordſhips moſt humble Servant, and faithful Friend,

H. VANE.

To this His Majeſty added the following *Poſtſcript* with his own Hand.

HAving no time to write my Self ſo much, I was forced to uſe his Pen; therefore I ſhall only ſay, that what is here written I have directed, ſeen and approved.

C. R.

How great the Marquis his ſurprize and trouble was when he received this, cannot be eaſily expreſſed, though it was but what he always looked for: and before the King left *Whitehall*, he told him in the Gallery, The Marquis goes to the King;

An. 1639. Gallery, (none but Sir *Henry Vane* being preſent) that few of the *Engliſh* would engage in an Offenſive with *Scotland*. However he was too well taught in Obedience, to queſtion or delay it after ſuch poſitive Orders: and therefore could neither give a ſatisfactory anſwer to the Earl of *Airly*, who at that time wrote to him, preſſing him to come to the North in all haſte, otherwiſe the Kings Party there would be preſently overrun; nor to my Lord *Aboyne*'s Letter, who deſired freſh Supplies of Men and Moneys, though the refuſing of both theſe was after that alledged againſt him. Yet the laſt being dated the fourth of *June*, met him on his way to the King; the other could be no ſooner at him, being of the 26th of *May*, and in the Poſtſcript excuſe is made that it was of an old Date for want of a ſure Bearer: both theſe are yet extant. But moſt of all it appears, how groundleſs that great and crying Accuſation was, (which as it made up no ſmall part of his Charge to be mentioned in its proper place, ſo was it in the mouths of every perſon) that he betrayed His Majeſties Service in the *Frith*, which could not be better cleared, than by giving this particular Deduction of every ſtep of it.

where he finds a Treaty begun,

About the time that the Marquis arrived at His Majeſties Camp, the Covenanters ſent a Petition by the Earl of *Dumfermline* to the King, deſiring a Safe-conduct for ſuch of their number as they ſhould ſend to His Majeſties Camp, with their humble Deſires and Offers for a Treaty. This was granted, and their firſt Meeting was appointed to be on the eleventh of *June* at *Arundel*'s Tent. So they ſent the Earls of *Rothes*, *Dumfermline*, and *Lowdon*, the Sheriff of *Teviotdale*, Mr. *Alexander Henderſon*, and Mr. *Archbald Johnſtown*, who firſt propoſed their Deſires in general, *That Religion and Liberties might be ſecured, upon which they ſhould behave themſelves as good Subjects:* and then the Marquis his affection to his Country, made him imploy his whole Intereſt with the King, for procuring a Gracious Anſwer to them; offering, that if the King found it ſuitable to his Honour, and fit for his Service, he ſhould not be diſpleaſed, though His Majeſty did diſown his former Actions, and let the load of Obloquy and Cenſure fall as heavy upon himſelf as the King pleaſed. But in this His Majeſty was poſitive, judging the owning of what he had done the former year, to be both for his Honour and Intereſt. However the Marquis did ſhow the King, that while the fire-edge was upon the *Scotiſh* Spirits, it would not prove an eaſie task to tame them, but would be a Work of ſome years, and coſt much Money and many Men: he therefore deſired the King would conſider, if it were not fit to conſent to the aboliſhing of Epiſcopacy, and giving way to their Covenant till better times; and that as the chief Leaders had entred upon that Courſe, being provoked by ſome Irritaons and Neglects they had met with, ſo it might be fit to regain them by Cajolery and other Favours. And to perſwade the King to this Courſe was the eaſier, that both his Reaſon and his Affection to his Subjects did cooperate with it; a great ſtrengthening coming to it by my Lord *Canterbury*'s Opinion, who ſaw a Pacification abſolutely neceſſary for the Kings Service, and did adviſe it.

So on the thirteenth of *June* His Majeſty returned Anſwer, *That he ſuppoſed Religion and Liberties were abundantly ſettled by his former Proclamations: but if any thing was wanting, wherein either Religion or Liberties were concerned, none ſhould be more zealous for it than himſelf.* The Covenanters

venanters inſiſted, *That the Aſſembly of* Glaſgow *might be ratified*; but His Majeſty rejected that, adding, *That he was willing to call a new Aſſembly, and ratifie what ſhould be legally eſtabliſhed by it in the following Parliament.* The Commiſſioners were willing to yield to this, provided His Majeſty did not oblige them to renounce the Aſſembly of *Glaſgow*, to which they reſolved to adhere. His Majeſty ſaid, *He ſhould not preſs them to that, but that Aſſembly ſhould not be mentioned on either hand.* They moved next *about Lay-elders in the Aſſembly:* The King referred himſelf *in that to the Laws of the Land.* They next moved, *That Epiſcopacy ſhould be aboliſhed:* The King anſwered, *He would not prelimit his Vote by declaring what it ſhould be in the enſuing Aſſembly.* Finally, after all things had been debated divers days, not without ſome heat, wherein the Earl of *Rothes* got new Irritations from ſome warm expreſſions of the Kings to him; at length on the eighteenth of *June* all was concluded. Firſt, His Majeſty ſigned the following Declaration, of which the Original is extant. *An.* 1639. which is within few days concluded.

CHARLES R.

WE *having conſidered the Papers and humble Petitions preſented to Us, by thoſe of Our Subjects of* Scotland *who were admitted to attend Our Pleaſure in the Camp, and after a full hearing by Our Self, of all that they could ſay or alledge thereupon, having communicated the ſame to Our Council of both Kingdoms, upon mature Deliberation, with their unanimous Advice, have thought fit to give them this Juſt and Gracious Anſwer; That though We cannot condeſcend to ratifie and approve the Acts of the pretended General Aſſembly at* Glaſgow, *for many grave and weighty Conſiderations which have happened, both before and ſince, much importing the Honour and Security of that true Monarchical Government lineally deſcended upon Us from ſo many of Our Anceſtours: yet ſuch is Our Gracious Pleaſure, that notwithſtanding the many Diſorders committed of late, We are pleaſed not only to confirm and make good whatſoever Our Commiſſioner hath granted and promiſed in Our Name; but alſo We are further Graciouſly pleaſed to declare and aſſure, that according to the Petitioners humble Deſires, all matters Eccleſiaſtical ſhall be determined by the Aſſembly of the Kirk, and matters Civil by the Parliament, and other inferiour Judicatories eſtabliſhed by Law; and Aſſemblies accordingly ſhall be kept once a year, or as ſhall be agreed upon at the next General Aſſembly.* His Majeſties Declaration.

And for ſettling the general Diſtractions of that Our Ancient Kingdom, Our Will and Pleaſure is, that a Free General Aſſembly be kept at Edinburgh *the ſixth day of* Auguſt *next enſuing, where We intend (God willing) to be perſonally preſent, and for the Legal Indiction whereof, We have given Orders and Command to Our Council; and thereafter a Parliament to be holden at* Edinburgh *the twentieth day of* Auguſt *next enſuing, for ratifying of what ſhall be concluded in the ſaid Aſſembly, and ſettling ſuch other things as may conduce to the Peace and Good of Our Native Kingdom, and therein an Act of Oblivion to be paſſed.*

And whereas We are further deſired, that Our Ships and Forces by Land be recalled, and all Perſons, Goods and Ships be reſtored, and they made ſafe from Invaſion, We are Graciouſly pleaſed to declare, That upon their diſarming and diſbanding of their Forces, diſſolving and diſcharging all their pretended Tables *and Conventicles, and reſtoring unto Us all Our Caſtles, Forts,*

An. 1639. *Forts, and Ammunitions of all ſorts, as likewiſe Our Royal Honours; and to every one of Our good Subjects their Liberties, Lands, Houſes, Goods and Means whatſoever, taken and detained from them, ſince the late pretended General Aſſembly, We will preſently thereafter recall Our Fleet and retire Our Land-Forces, and cauſe Reſtitution to be made to all perſons, of their Ships and Goods detained or arreſted ſince the aforeſaid time: whereby it may appear, that Our Intention in taking up of Arms was no ways for invading Our Own Native Kingdom, or to innovate the Religion and Laws, but mainly for the maintaining and vindicating of Our Royal Authority.*

And ſince that hereby it doth clearly appear, that We neither have, nor do intend any Alteration in Religion and Laws, but that both ſhall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience, which becometh loyal and dutiful Subjects, and as in their ſeveral Petitions they have often profeſſed.

And as We have Juſt Reaſon to believe, that to Our peaceable and well-affected Subjects this will be ſatisfactory; ſo We take God and the World to witneſs, that whatſoever Calamities ſhall enſue by Our neceſſitated ſuppreſſing of the Inſolencies of ſuch as ſhall continue in their Diſobedient Courſes, is not occaſioned by Us, but by their own procurement.

After this the following *Articles* were ſigned.

I. *THe Forces of* Scotland *to be disbanded and diſſolved within eight and fourty hours, after the Publication of His Majeſties Declaration being agreed upon.*

II. *His Majeſties Caſtles, Forts, Ammunition of all ſorts, and Royal Honours, to be delivered after the Publication, ſo ſoon as His Majeſty can ſend to receive them.*

III. *His Majeſties Ships to depart preſently after the delivery of the Caſtles, with the firſt fair Wind, and in the mean time no interruption of Trade or Fiſhing.*

IV. *His Majeſty is Graciouſly pleaſed to cauſe to reſtore all perſons Goods and Ships, detained and arreſted ſince the firſt of* November *laſt.*

V. *There ſhall be no Meetings, Treatings, Conſultations, or Convocations of His Majeſties Lieges, but ſuch as are warrantable by Act of Parliament.*

VI. *All Fortifications to deſiſt, and no further Work therein, and they to be remitted to His Majeſties Pleaſure.*

VII. *To reſtore to every one of His Majeſties Subjects their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken and detained from them by whatſoever means ſince the aforeſaid time.*

Next the Commiſſioners ſigned the following Note.

In

An. 1639.

IN obedience to His Majesties Royal Commands, we ſhall upon Thurſday next the 20th of this June *diſmiſs our Forces, and immediately thereafter deliver His Majeſties Caſtles, and ſhall ever in all things carry our ſelves like Humble, Loyal, and Obedient Subjects.*

Signed,

Rothes	W. Douglas
Dumfermline	Al. Henderſon
Lowden	Arch. Johnſtown

The Treaty being thus ended, all parted with great expreſſions of Joy. But few wiſe men expected it ſhould be followed with a laſting Agreement, the Covenanters being peremptory not to part with a hoof, ſo that whatever Conceſſions came not up to all their Deſires, were not like to prove ſatisfactory. Thoſe who underſtood not the true ſtate of the *Engliſh* Army, wondered that the King ſhould have let this opportunity out of his hands, whereby they judged he was able to have broken and ſubdued *Scotland*. And according to the vulgar Civility of of all Cenſurers of Kings Actions, his bad Counſellours bore the blame, whereof the far greateſt ſhare fell upon the Marquis. But others who ſaw beyond thoſe ſuperficial Obſervers, acknowledged there was an equal temperature of Wiſdom and Goodneſs in His Majeſties Conceſſions, not denying a proportionable ſhare of the praiſe to his good Counſellours. The Covenanters judged they had ſcaped well, who got off ſo eaſily; for it would have been impoſſible for them, to have maintained the great Bodies they had gathered together any longer, except they had marched into *England*, to which they had no mind unleſs forced by neceſſity. But ſome made another Obſervation though of leſs moment, yet not unpleaſant, upon Mr. *Henderſon's* ſigning the former Paper, That it was ſtrange to ſee a Church-man who had acted ſo vigorouſly againſt Biſhops for their meddling in Civil Affairs, made a Commiſſioner for this Treaty, and ſign a Paper ſo purely Civil; ſo ſtrongly does Paſſion and Intereſt biaſs and turn men.

The Treaty is variouſly cenſured.

When the Commiſſioners came back to the Camp, they gave an account of their Negotiation; and beſides the Articles of Treaty, they produced another Paper which paſſed among all for the Conditions of the Agreement. It was a Note containing ſome Points which were alledged to have been agreed to at *Berwick* verbally, though not ſet down in the written Treaty: which was made up of ſome down-right Miſtakes, and of other things which the King in diſcourſe had indeed ſaid, but not poſitively, nor as a Determination on which he had concluded. However the Army made a Declaration, that their accepting of the Kings Papers wherein the Aſſembly of *Glaſgow* was called *the pretended Aſſembly*, did not infer their accounting it ſo which they could never do. Yet all the Forces withdrew, moſt of them laying down Arms, but ſtill keeping in great Bodies together; and a Proclamation

A Paper is given out for the Conditions of the Agreement, though not agreed to.

was

An. 1639. was ſent to the North to *Montroſe* on the one ſide, & *Aboyne* on the other, to lay down Arms, (for all this while there had been a Body of about 2000 that had ſtood for the King in *Aberdeenſhire*, who were commanded by my Lord *Bamf*, againſt whom my Lord *Montroſe* was ſent:) and theſe Orders were obeyed by them both; and indeed they came in good time to *Aboyne*, otherwiſe he had been ſore put to it.

The Marquis receives, and furniſhes the Caſtle of *Edinburgh*.

On the 22th of *June* the Marquis was ordered to go to the Caſtle of *Edinburgh*, and take poſſeſſion of it in the Kings Name, and relieve the Marquis of *Huntley*, and put *Ruthwen* (now created Lord *Eſtrick*) in it; and alſo to furniſh it with ſtore of Proviſion and Ammunition out of the Magazine in the Navy: which being done, the Fleet was to be ſent out of the *Frith*. And accordingly on the 24th of *June* he came to *Edinburgh*, but he met with ſuch Reproaches and Hootings from the Vulgar, that he was forced (for preventing a Tumult) to deſire ſome of the Covenanting Lords to wait on him to the Caſtle; and yet on the way he was all along cried out upon with moſt unworthy Names, as *Pyrate*, *Traitour*, *Enemy to God and his Country*, with other ſuch-like Invectives. Theſe he could not but deſpiſe, though he was ſenſible of the Diſhonour put upon the Kings Commiſſioner by that Uſage: yet he might well have expected, that it ſhould have ſecured him from the Jealouſies & Stories which were ſpread of him, as if he had been all that time ſo popular, that he was looked upon as the chief Friend of the Good Cauſe; which was as well grounded as the reſt of theſe Reports. But having executed the Kings Orders about the Caſtle of *Edinburgh*, he left the Earl of *Traquair* (whom with the Earl of *Roxburgh* His Majeſty had again received into his Favour) to ſee the reſt of the Conditions fulfilled.

The *Tables* continue to ſit,

The *Tables* continued to ſit, pretending it was neceſſary they ſhould doe ſo till all were ſcattered. It is true, I have in my hands a Copy of a Warrant for them to ſit till the 20th of *July*; but whether it was ſigned, I can neither aſſert nor deny.

Divers Diſorders fell out in *Edinburgh*, and *Traquair* met with many Inſolences, in one of which the White-ſtaff, which was carried by his Servant before his Coach, was pulled out of his Hand; and Complaint being made of this to the Town-Council of *Edinburgh*, all the Reparation they offered, was to bring my Lord Treaſurer another White-ſtaff: ſo it was ſaid, they rated the Affront put on the King in the Perſon of his Treaſurer at Six pence.

and the Covenanters are inſolent.

Other Inſolences were alſo complained of, and the Covenanters partly excuſed them, partly denied what was alledged; but no Reparation was made. Theſe Diſorders obliged His Majeſty to change his purpoſe of coming to *Scotland* in Perſon, reſolving to be preſent onely by his Commiſſioner.

The Marquis returned to His Majeſty, and ſtated all that was to be thought upon for *Scotiſh* Affairs in a Paper preſented to His Majeſty at *Berwick* the 5th of *July*, yet extant in theſe words.

To leave all that is paſt, the Queſtion is briefly;

The Marquis his advice to the King.

WHether the Aſſembly and Parliament now indicted is fitteſt to be held or diſcharged?

If held, the Succeſs of the Aſſembly will be the Ratifying of what was done at Glaſgow; *or if that point be gained, yet certainly moſt of the Acts that*

were made there will of new be acted: nor is there any hope to prevent their finding Epiſcopacy to be abjured by their Covenant, and the Function againſt the Conſtitution of their Church. An. 1639.

This will be by the Members of Parliament ratified, and put to the Kings Negative Voice; and if it be not condeſcended to by him, it is more than probable, that his Power even in that Court, and in that Place, will be queſtioned.

If it will be diſcharged, nevertheleſs the Aſſembly be keeped by the Rebels, and the ſame things done in it by them, and thereafter maintained by the generality of the Kingdom, this conſequently will bring alongſt with it the certain loſs of Civil Authority, and ſo neceſſitate the re-eſtabliſhing the ſame by Force, or otherwiſe the deſertion of that Kingdom.

So it is to be reſolved on, whether it be fit to give way to the Madneſs of the People, or of new to intend a Kingly Way?

If way be given to what is mentioned, it is to be conſidered in that caſe, if the King ſhall be perſonally preſent or not; if not preſent, who ſhall be imployed, and how inſtructed?

If the Kingly Way be taken, what ſhall be the means to effectuate the intended end: particularly how Money may be levied for the waging of this War, and if that be feiſible without a Parliament?

If a Parliament, what the Conſequence may prove? So all may be ſummed up in this; Whether to permit the Aboliſhing of Epiſcopacy, the leſſening of Kingly Power in Eccleſiaſtick Affairs, the Eſtabliſhing Civil Authority in ſuch manner as the Iniquity of the Times will ſuffer, and to expect better; and what will be the Conſequence of this if way be given thereto: or to call a Parliament in England, *and leave the event thereof to hazard and their diſcretions, and in the interim* Scotland *to the Government of the Covenanters?*

This Freedom declares how candidly he dealt with the King in all his Counſels. It is true, he preſſed the King earneſtly to give way to the aboliſhing of Biſhops, judging that to be the onely mean to bring *Scotland* again into Order: but this was out of no other Principle, ſave his Deſire to ſee the King again enjoy the Affections, as well as the Obedience, of his Subjects of *Scotland*; thinking Epiſcopal Government not ſo eſſential or abſolutely neceſſary, as not to be parted with for a time in ſuch an Exigency, wherein the Ruine of the King and Kingdom was was ſo manifeſtly threatned.

His Majeſty conſidering that God did not tie him to Impoſſibilities, reſolved, notwithſtanding his Conſcientious adhering to Epiſcopacy in *England*, to give way for ſome time to lay aſide that Government in *Scotland*, hoping to draw more good from it; but intended to imploy another for executing it, knowing that his Countenance and Carriage would betray the Diſcord was betwixt his Heart and his Actions, if he went himſelf: and being well ſatisfied with the Marquis his Behaviour, deſired him to return to *Scotland* in the ſame Character, and finiſh that Buſineſs. The King intends to ſend him again Commiſſioner into *Scotland*,

But he made uſe of all his Forces both of Reaſon, Friendſhip, and Intereſt, to divert the King from this, repreſenting the following Reaſons to diſſuade him from it, in a Paper preſented the 8th of *July* in theſe words: who oppoſes it with all his Intereſt.

An. 1639.

IF Your Majeſty give way to the Covenanters Demands, it would be ſeriouſly conſidered which will be the fitteſt way to doe it; if by Your Majeſties Own Perſonal Preſence, or by a Commiſſioner; if Your Self, I ſhall ſay in that caſe nothing in this Paper; if by a Commiſſioner, then give me leave humbly to preſent to Your Majeſties Conſideration, how unfit it is that I ſhould be imployed.

The Hatred that is generally carried me, and in particular by the chief Covenanters, will make them (hoping thereby either to ruine me, or at leaſt make my Service not acceptable) ſtand more peremptorily on theſe other Points of Civil Obedience, which Your Majeſty aims at, than they would doe to one that is leſs hated.

II. *Since they are the ſame men I have formerly treated with, who now again muſt be principally uſed, they cannot but find theſe Particulars, which I have ſo often ſworn, and ſaid, Your Majeſty would never condeſcend to, will now be granted: therefore they will give no credit to what I ſhall ſay thereafter, but will ſtill hope and believe, that all their Deſires will be given way to, thinking, as they have often ſaid, that I had Power to condeſcend to more, but would not, that I might endear my ſelf to Your Majeſty, and be thought a deſerving Servant, in procuring more than you was content to accept of; and ſo will for this cauſe ſtand upon thoſe Points with me, which they would not doe with any other; who they could not but believe would freely grant (to oblige them) all ſuch things as he had Power from Your Majeſty to grant; and truſt him when he ſaid he could go no further, and ſo rather accept of that than adventure on a new Breach.*

III. *The rage and malice of the People is ſuch againſt me, that I am not onely adverti ſed, but adviſed from many amongſt them, who pretend to love me, not to come into the Kingdom imployed as a Commiſſioner; for it will be impoſſible for me to eſcape Affronting, if I do with my Life. I do not mention this out of a care to preſerve it with the prejudice of Your Service, but I know Your Juſtice and Goodneſs is ſuch, that You would not ſuffer that Injury to go unpuniſhed, which would conſequently bring alongſt with it the loſing of Your Majeſties End, of eſtabliſhing this Buſineſs in a peaceable way.*

IV. *If Your Majeſty ſhould longer continue me Your Commiſſioner, it would confirm in them the Opinion which hath already poſſeſſed them, that Your Majeſty intends to govern that Kingdom by a Commiſſioner, which is not more grievous to the Covenanters than it is to the Officers of State: Whereas (on the contrary) if Your Majeſty make choice of a New one, they will think it is onely for the preſent Service, and ſo reſt both of them ſecure in that point; and Your Service conſequently go the ſmoother on: for they will fancy, if it proſper in my hands, that then I may like the Employment ſo well, as I would not willingly quit it; but if it miſcarry, then neither I nor any other would be deſirous to undergo that Charge, and ſo they be freed of a Commiſſioner.*

V. *I am thought to have been a chief Inſtrument in moving Your Majeſty to reſent their Carriage in ſuch ſort as you have done: which will cauſe in them, for my ſake, not onely a Diſlike of all that ſhall paſs through my hands, but even an Undervaluing, or at leaſt not that hearty Acknowledgment of ſuch Favours as Your Majeſty conferreth on them, which they would doe if another were imployed; whom they would endeavour to gain for their own ends, and hoping to make him theirs, would not onely ſeem to be contented, but endeavour to make Your Majeſty, the World, and himſelf, believe they were ſo. Whereas (on the contrary) they would be ever repining, and not give that obedient Acquieſcing,*

if

if I be continued, as otherwiſe would be if any other were imployed. An. 1639.

VI. *If Your Majeſty ſhould at this time continue me Your Commiſſioner, they would apprehend that I might reſent the many particular Injuries done me, and ſo be a mean to work them prejudice, if it were but to revenge my ſelf, which will not onely cauſe Jealouſie in them, but an earneſt endeavouring to make me incapable to prejudice them; which cannot more eaſily be effected than by fruſtrating and croſſing my Intentions of ſerving Your Majeſty: Whereas if another be imployed, they will not apprehend it to be in my Power to prejudice them, and ſo be free'd of that Fear, and conſequently give way to thoſe things in another Mans perſon, which they would not doe if I be ſtill imployed.*

VII. *They know that I am ſo well acquainted with their Ways and Proceedings, and that my Heart is ſo ſtreight to Your Majeſties Service, that I will not conceal any thing from You, either of their by-paſt Actions, or any thing that ſhall be done of new: Whereas if Your Majeſty imployed another, they will be in hope that what is paſt is not ſo well known to him, and ſo will be forgot, or if remembred by me, it will ſerve to no end, I being out of Place; and that perhaps he will be more ſparing of ſpeaking than I have been, or that he is to be gained to their Party: for which end hoping he may prove for the future uſeful to them, they may comply with him for the preſent in divers things, which they would not doe if I be continued.*

VIII. *There are ſo many of Your Majeſties Subjects of all ſorts, whom I have perſuaded to reſiſt the Ways of the Covenanters to their great prejudice, that I ſhall be infinitely preſſed by them to move Your Majeſty for their Relief, and I challenged of my Promiſe, that whoſoever ſuffered for that Cauſe, Your Majeſty would reſtore to the full to them, the doing whereof would draw on Your Majeſty a great Charge; and if they find it not performed to them by me continuing Commiſſioner, it is probable they will then joyn with the Covenanters: whereas if Your Majeſty imploy another, they will not know ſo well how to addreſs themſelves to him, nor be in deſpair of obtaining it hereafter, and ſo continue ſtill in the way they are in.*

IX. *This Work will make me (I fear) even loſe Your Majeſties Favour; for I know it is ſo odious to You, that I have cauſe to apprehend that You will not like the Actor: or though Your Goodneſs will permit You to look upon him, becauſe what he did was by Your Command; yet it may be imagined that Your Honour will oblige You not to ſeem to care for him. Sure I am of this, that whereas I am now perfectly hated by all Your Subjects who have withſtood Your Majeſty, (if it ſhall pleaſe you to lay this Employment upon me) I ſhall hereafter be, by all who wiſh Proſperity to Your Affairs in both Kingdoms; and where or how I may be called to an account for this Undertaking, I know not: and a buſineſs of that nature I take it to be, that a Pardon ought humbly to be begged, before it be meddled in, ſeeing it is an Act ſo derogatory to Kingly Authority.*

Give me leave humbly to repreſent unto Your Majeſty, if it be fit either for an Honeſt man or a Gentleman, to be made the Inſtrument of doing that which he hath ſo often in publick and private condemned in ſo high a degree, and withſtood to the certain loſs of moſt of my Country, and many of Your Majeſties Court and Kingdom of England. *Nor can I ever hope to live without perpetual Accuſations of ſuch who will find themſelves grieved by that which will be done; for not diſſuading Your Majeſty from this courſe, or at leaſt for accepting that Employment, and proving Your Inſtrument therein. This I could enlarge, for much thereof I have already heard; but I have preſumed too much: yet I hope Your Majeſty will pardon me, ſince theſe Arguments are (as I conceive) uſed*

An. 1639. *for Your Service, the Good of which ſhall be ever preferred by me, before either Life or Fortune; which I would willingly expoſe to all Dangers, rather than You ſhall be pleaſed to lay this Employment on me, for Your Majeſties Affairs would be infinitely prejudiced thereby.*

All which I humbly beſeech You to take into Your Royal Conſideration.

The King chuſes *Traquair* to be Commiſſioner,

There was too much Juſtice in theſe Reaſons, and His Majeſty was too full of Affection for him to preſs it any further; therefore the King made choice of his Treaſurer the Earl of *Traquair* for the Service, making account that if he ſerved honeſtly, it would doe well; if otherwiſe, his Majeſty would have good reaſon to ſhake him off. Upon this he was preſently called from *Scotland*. The King alſo wrote for 14

and writes for many Covenanters.

of the Lords that were the chief Covenanters, to come and wait upon him at *Berwick*, that he might adviſe with them about the Affairs in hand. But the true reaſon (as was believed) was to try what fair Treatment might doe with them. This gave great Jealouſies to the Covenanters, who were not ſo blind as not to underſtand what the effect of this might prove. And indeed ſome ſtudied to infuſe worſe Jealouſies, as if the Deſign of calling for the Lords had been to ſend them all Priſoners to *London*. In end they reſolved none ſhould go, ſave three from each Eſtate: the three Lords were the Earls of *Montroſe*, *Lowdon*, and *Lowthian*; and *Lowthian* was the perſon who preſſed them moſt to ſend any, for many had no inclinations to ſend at all.

But before they came to *Berwick* the King ordered the Marquis by a Warrant in writing, yet extant under His Majeſties Hand, *to try what way he could gain upon them, and diſcover the bottom of their Intentions, how the Eſtate of Biſhops ſhould be ſupplied in Parliament, and how far they intended to leſſen the Kings Authority*. The King alſo allowed him to uſe what means he pleaſed, and ſpeak to them what he thought fit; not onely authorizing, but requiring him to it, and warranting him if he were ever queſtioned or accuſed for it by any. Bearing date at *Berwick* the 17th of *July*, 1639.

The Kings Truſt in the Marquis.

It is eaſie from this to infer, both how intirely His Majeſty confided in him, and how unjuſt they are who upon any Expreſſions he might then have uſed, offer injury to his Memory: and yet he managed this ſo cautiouſly, that very little eſcaped him for which he could not have juſtified himſelf without this Order. But ſo tender was he of His Majeſties Reputation, that when he was afterwards charged for ſome hard Speeches, alledged to have been uttered at that time, in all his written Defences he never made uſe of this Juſtification; knowing how at that time it might have prejudiced His Majeſties Service, if it had been known that he gave ſuch Warrants to thoſe he imployed; reſerving to whiſper it in His Majeſties Ear, when he ſhould be admitted to his Preſence. And indeed till this appeared, the Writer of theſe *Memoires* was not a little ſtumbled with ſome of his Speeches then uttered, which were hard to be underſtood: for having them ſo near the Fountain, he could ſcarce doubt his Information: but this Order reconciles the Truth of theſe Reports he had heard with the Marquis his Innocency.

The King gains *Montroſe*.

The King was highly ſenſible of the Affront put upon him, by hindering all he had called for to come to wait on him; yet he reſolved to bear as far as Humane Patience could go, and ſtudied to gain upon the

Lords

Lords that came. The Earl of *Montroſe* was much wrought upon, and gave His Majeſty full Aſſurances of his Duty in time coming; and upon that entred in a Correſpondence with the King. The other two were a little mollified, but not gained: onely from them the Marquis learned, that all the Acts of Parliament for Epiſcopacy were to be abrogated by the next Parliament; and that they deſigned to change the courſe of bringing in things to the Parliament by the Lords of the Articles, as a Prelimitation upon the Parliament. Whereupon the next thing to be done was to draw *Traquair*'s Inſtructions, which was not done without great and long Conſultation, none being privy to it beſides the Marquis and *Traquair* himſelf. That which made the King ſo tender, was his Zeal for Epiſcopacy: but *Traquair* helped him out of all Difficulties, by telling him, that doe the next Parliament what it would, there were ſtill good grounds to introduce Epiſcopacy, when ever the King was able to carry it; for Biſhops being (by all the Laws of *Scotland*) one of the three Eſtates of Parliament, no Act that paſſed without them could have force in Law, much leſs the Act that aboliſhed them, eſpecially they not appearing or conſenting to it, but proteſting againſt it. This gave much eaſe to the Kings thoughts, and ſo on the 27th of *July Traquair*'s Inſtructions were ſigned, which follow as they are taken from a Copy of them under the Marquis his Hand. *An.* 1639.

CHARLES R.

Traquair's Inſtructions.

AT the firſt Meeting of the Aſſembly, before it be brought in diſpute who ſhall preſide, you ſhall appoint him who was Moderator in the laſt Aſſembly, to preſide in this till a new Moderator be choſen.

We allow that Lay-elders ſhall be admitted Members of this Aſſembly: but in caſe of the Election of Commiſſioners for Presbyteries the Lay-elders have had Voice, you ſhall declare againſt the informality thereof; as alſo againſt Lay-elders having voice in Fundamental Points of Religion.

At the firſt opening of the Aſſembly you ſhall ſtrive to make the Aſſembly ſenſible of Our Goodneſs, that notwithſtanding all that is paſt, whereby We might juſtly have been moved not to hearken to their Petitions, yet We have been Graciouſly pleaſed to grant a Free General Aſſembly, and for great and weighty Conſiderations have commanded the Archbiſhops and Biſhops not to appear at this Aſſembly.

You ſhall not make uſe of the Aſſeſſors in publick, except you find you ſhall be able to carry their having Vote in Aſſembly.

You ſhall labour to your uttermoſt, that there be no queſtion made about the laſt Aſſembly; and in caſe it come to the worſt, whatever ſhall be done in Ratification, or with relation to the former Aſſembly, Our Will is, that you declare the ſame to be done as an Act of this Aſſembly, and that you conſent thereunto onely upon theſe terms, and no ways as having any relation to the former Aſſembly.

You ſhall by all means ſhun the Diſpute about Our Power in Aſſemblies; and if it ſhall be urged or offered to be diſputed, whether We have the Negative Voice, or the ſole Power of Indicting, and conſequently of Diſſolving, except you ſee clearly that you can carry the ſame in Our Favours, ſtop the Diſpute; and rather than it be decided againſt Us, ſtop the courſe of the Aſſembly until We be advertiſed.

For

An. 1639. *For the better facilitating of Our other Services, and the more peaceable and plauſible progreſs in all Buſineſſes recommended to you, We allow you at any time you ſhall find moſt convenient, after the opening of the Aſſembly, to declare, That notwithſtanding Our Own Inclination, or any other Conſiderations, We are contented for Our Peoples full ſatisfaction, to remit Epiſcopacy, and the Eſtate of Biſhops to the Freedom of the Aſſembly, but ſo as no reſpect be had to the Determination of the Point in the laſt Aſſembly.*

But in giving way to the aboliſhing of Epiſcopacy, be careful that it be done without the appearing of any Warrant from the Biſhops; and if any offer to appear for them, you are to inquire for their Warrant, and carry the Diſpute ſo, as the Concluſion ſeem not to be made in prejudice of Epiſcopacy as unlawful, but onely in ſatisfaction to the People, for ſettling the preſent Diſorders, and ſuch other Reaſons of State: but herein you muſt be careful that Our Intentions appear not to any.

You ſhall labour that Miniſters depoſed by the laſt Aſſembly, or Commiſſions flowing from them, for no other cauſe but the ſubſcribing of the Petition or Declinator againſt the laſt Aſſembly, be upon their Submiſſion to the Determinations of this Aſſembly, reponed in their own Places; and ſuch other Miniſters as are depoſed for no other faults, that they be tried of new: and if that cannot be, ſtrive that Commiſſions may be directed from this Aſſembly for Trying and Cenſuring them according to the nature of their Proceſs.

That immediately upon the Concluſion of this Aſſembly you indict another at ſome convenient time, as near the expiring of the Year as you can: and if you find that Aberdeen *be not a Place agreeable, let* Glaſgow *be the Place, and if that cannot give content, let it be elſewhere.*

The General Aſſembly is not to meddle with any thing that is Civil, or which formerly hath been eſtabliſhed by Act of Parliament, but upon His Majeſties ſpecial Command or Warrant.

We will not allow of any Commiſſioners from the Aſſembly, nor no ſuch Act as may give ground for the continuing of the Tables *or Conventicles.*

In caſe Epiſcopacy be aboliſhed at this Aſſembly, you are to labour that We may have the Power of chuſing of ſo many Miniſters as may repreſent the 14 *Biſhops in Parliament; or if that cannot be, that* 14 *others whom We ſhall preſent be agreed to, with a Power to chuſe the Lords of the Articles for the Nobility for this time, untill the Buſineſs be further conſidered upon.*

We allow that Epiſcopacy be aboliſhed for the Reaſons contained in the Articles, and the Covenant 1580 *for ſatisfaction of Our People be ſubſcribed, provided it be ſo conceived, that thereby Our Subjects be not forced to abjure Epiſcopacy as a point of Popery, or contrary to Gods Law, or the Proteſtant Religion: but if they require it to be abjured as contrary to the Conſtitution of the Kirk of* Scotland, *you are to give way to it rather than to make a Breach.*

After all Aſſembly-buſineſs is ended, immediately before Prayers, you ſhall in the faireſt way you can, proteſt that in reſpect of His Majeſties Reſolution of not coming in Perſon, and that His Inſtructions to you were upon ſhort advertiſement, whereupon many things may have occurred, wherein you have not had His Majeſties Pleaſure, therefore and for ſuch other Reaſons as occaſion may furniſh, you are to proteſt, that in caſe any thing hath eſcaped you, or hath been condeſcended upon in this preſent Aſſembly, prejudicial to His Majeſties Service, that His Majeſty may be heard for redreſs thereof in his own time and place.

We will not allow, that either by the Commiſſions already granted, nor upon no other Bill or Petition, any part of the burden of the Charges of the laſt Buſi-

neſs

neſs be laid upon any of Our good Subjects, who have ſtood by Us, and have refuſed to ſubſcribe their Bonds and Covenants. An. 1639.

That you ſtop the Signatures of the Rights of Kintyre, Abbacy *of* Dear, Abbacy *of* Scoon, *and generally all Acts in favours of Covenanters, ſo far as you can without ſtopping the ordinary courſe of Juſtice: and you are to conſider withall how His Majeſties Right to any of the aforeſaids may be put on foot without making interruption to the preſent Buſineſs in hand.*

You ſhall take a courſe whereby the Rents of all ſuch Biſhopricks as are vacant be detained, and either by Warrant of the Incumbent, or by Demiſſion may be collected: and when any perſon ſhall be provided to theſe Benefices ſo vacant, Our Will is, that you take the ſame courſe with the Rents of theſe, as by theſe We do command you to doe with the reſt of the Rents of the Biſhopricks of Scotland; *which is this, to cauſe draw up a formal Aſſignation to the whole Rents, Fruits, Cuſtoms, &c. belonging to the Biſhoprick, whereof they are Biſhop, to be ſubſcribed by them to and in Our Favour, upon return whereof to you, you ſhall give Power and Commiſſion to ſuch Perſons as you ſhall receive under every one of their Hands, to collect and intromet with the aforeſaid Rents of the ſeveral Biſhopricks, and to deliver and be accomptable to you for the ſame; and upon your receipt thereof, you are to iſſue them out immediately again to the aforeſaid Biſhops, or any having their Warrant to that effect.*

You ſhall hear the Complaints or Petitions of any of Our Subjects, or againſt any of Our Subjects, but ſuch as you know to be Sufferers for refuſing to joyn with the Covenanters in the Covenanting way; and you ſhall protect all ſuch Perſons by all the fair ways you can, and particularly Sir John Hay *and Sir* Robert Spottiſwood.

If any thing occur either in Civil or Eccleſiaſtical Judicatory, wherein you have not Our expreſs Will and Pleaſure ſignified unto you, wherein you ſee clearly Our Royal and Princely Power and Authority prejudiced, We will you to acquaint Us therewith before any Proceeding be made.

You ſhall pay weekly for defence of Our Caſtle of Edinburgh *an hundred Souldiers at eight pence* per diem, *beſides the* Engliſh *Gunners and Artificers, at the Rates ſet down by the Marquis of* Hamilton. *And as for* Ruthwen *himſelf, you ſhall aſſign him the Rents of the Caſtle; and you ſhall likewiſe keep a competent number of Workmen for completing the Fortifications already begun, and ſhall withall provide the Caſtle with 6 moneths Victuals for the foreſaid number of Souldiers and other Officers.*

And as for Dumbriton, *you ſhall pay for the Defence thereof Souldiers at eight pence* per diem *to the number of* 40: *allowing the Rents and other Cuſtoms thereof for paying the Captain and other Officers.*

At *Berwick* the 27th of *July*, 1639.

Theſe were the Inſtructions given the Earl of *Traquair*, of which the Marquis wrote to a Covenanter, *That if they were not worſe than Devils they would reſt ſatisfied.*

G. Faithorne Excud.

Carolus Primus D.G. Anglia Scotia Francia et Hibernia Rex. &c.

MEMOIRES

OF THE

LIFE and ACTIONS

OF

James Duke of Hamilton, &c.

LIB. III.

Of what paſſed after the Marquis laid down his Commiſſion till July 1642.

AND now I am come to a Period in the *ſeries* of the Marquis his Publick Actings for this turn, after which for ſome Years he continued at Court under the private Character of a Councellour much in His Majeſties Favour; it cannot be therefore expected, that henceforth the Accounts of *Scotiſh* Affairs ſhould be enlarged to the former Fulneſs, ſince it is the Marquis his Story, and not *Scotland's*, that is undertaken to be written: neither are the Materials ſo copious, as to bear the Writer through all particulars, were he ſo bold as to adventure on them. Therefore all that ſhall be henceforth offered of Publick Affairs, ſhall be onely to give the Reader ſuch a clear proſpect of the State of them, that when the Marquis ſhall again appear in buſineſs, his following Actions may hang together with his former; yet the Writer will not ſo ſullenly confine himſelf to a general Account, but when any particulars occur wherein he is authentically informed, he will truly repreſent them.

An. 1639. The Marquis out of Publick Imployment.

My Lord of *Traquair* waited upon His Majeſty to *Whitehall*, whither the King came in the beginning of *Auguſt*: and on the ſixth his Commiſſion was ſigned, and himſelf diſpatched to *Scotland*. On his way he was ordered to deliver the following Letter from His Majeſty to my Lord *S. Andrews*, (who was then at *Newcaſtle*) in anſwer to an Addreſs made by the Biſhops to my Lord of *Canterbury* to get the Aſſembly prorogued. It was penned by the Marquis, as appears by the *Bravillon* of it yet extant, and interlined in ſome places by my Lord of *Canterbury*.

Traquair goes to *Scotland*.

An. 1639.

CHARLES R.

Right Truſty and Well-beloved Councellour, and Reverend Father in God, We greet you well.

YOur Letter, and the reſt of the Biſhops, (ſent by the Elect of Caithnes*) to my Lord of* Canterbury, *hath been ſhown by him to Us; and after ſerious Conſideration of the Contents thereof, We have thought fit Our Self to return this Anſwer to you, for Direction according to Our Promiſe, which you are to communicate to the reſt of your Brethren.*

We do in part approve of what you have adviſed concerning the Prorogating of the Aſſembly and Parliament, and muſt acknowledge it to be grounded upon Reaſon enough, were Reaſon only to be thought on in this Buſineſs; but conſidering the preſent ſtate of Our Affairs, and what We have promiſed in the Articles of Pacification, We may not (as We conceive) without great prejudice to Our Self and Service, condeſcend thereunto: wherefore We are reſolved, nay rather neceſſitated, to hold the Aſſembly and Parliament at the time and place appointed. And for that end We have nominated the Earl of Traquair *Our Commiſſioner, to whom We have given Inſtructions, not only how to carry himſelf at the ſame, but a Charge alſo to have a ſpecial care of your Lordſhips, and thoſe of the inferiour Clergy, who have ſuffered for their Duty to God and Obedience to Our Commands. And We doe hereby aſſure you, that it ſhall be ſtill one of Our chiefeſt Studies, how to rectifie and eſtabliſh the Government of that Church a-right, and to repair your loſſes, which We deſire you to be moſt confident of.*

As for your Meeting to treat of the Affairs of the Church, We do not ſee at this time how that can be done; for within Our Kingdom of Scotland, *We cannot promiſe you any place of Safety, and in any other of Our Dominions We cannot hold it convenient, all things conſidered: wherefore We conceive that the beſt way will be for your Lordſhips, to give in, by way of Proteſtation or Remonſtrance, your Exceptions againſt this Aſſembly and Parliament to Our Commiſſioner, which may be ſent by any mean man, ſo he be Truſty, and deliver it at his entring into the Church; but We would not have it to be either read or argued in this Meeting, where nothing but Partiality is to be expected, but to be repreſented to Us by him, which We promiſe to take ſo in conſideration, as becometh a Prince ſenſible of His Own Intereſt and Honour, joined with the equity of your Deſires: and you may reſt ſecure, that though perhaps We may give way for the preſent to that which will be prejudicial both to the Church, and Our Own Government; yet We ſhall not leave thinking in time how to remedy both.*

We muſt likewiſe intimate unto you, that We are ſo far from conceiving it expedient for you, or any of my Lords of the Clergy, to be preſent at this Meeting, as We doe abſolutely diſcharge your going thither, and for your Abſence, this ſhall be to you and every one of you a ſufficient Warrant. In the interim, *your beſt Courſe will be to remain in Our Kingdom of* England, *till ſuch time as you receive Our further Order, where We ſhall provide for your Subſiſtence, though not in that meaſure as We could Wiſh, yet in ſuch a way as you ſhall not be in want.*

Thus you have Our Pleaſure briefly ſignified unto you, which We doubt not but you will take in good part; you cannot but know, that what We doe in this We are neceſſitated to. So We bid you farewell.

Whitehall, Aug. 6. 1639.

This

An. 1639.

This Letter being delivered to the Biſhops by the Kings Commiſſioner, they ſigned the following Declinatour, and put it in his hands.

The Biſhops Declinatour of the Aſſembly.

WHereas His Majeſty out of His ſurpaſſing Goodneſs was pleaſed to indict another National Aſſembly, for rectifying the preſent Diſorders in the Church, and repealing the Acts concluded in the late pretended Aſſembly at Glaſgow, *againſt all right and reaſon; charging and commanding us the Archbiſhops, and Biſhops of the Church of* Scotland, *and others that have place therein to meet at* Edinburgh *the* 12th *of* Auguſt *inſtant, in hopes that by a peaceable Treaty and Conference, matters ſhould have been brought to a wiſhed Peace and Unity; and that now we perceive all theſe Hopes diſappointed, the Authors of the preſent Schiſm and Diviſion proceeding in their wonted courſes of Wrong and Violence, as hath appeared in their preſumptuous Proteſtation againſt the ſaid Indiction, and in the buſineſs they have made throughout the Country, for electing Miniſters and Laicks of their Faction to make up the ſaid Aſſembly; whereby it is evident, that the ſame or worſe effects muſt needs enſue upon the preſent Meeting, than were ſeen to follow the former.*

We therefore the Under-ſubſcribers for diſcharge of our Duties to God and to the Church, committed to our Government under our Soveraign Lord the Kings Majeſty, Proteſt, as in our former Declinatour, as well for our Selves, as in name of the Church of Scotland, *and ſo many as ſhall adhere to this our Proteſtation, That the preſent pretended Aſſembly be holden and reputed null in Law, as conſiſting and made up partly of Laical perſons that have no Office in the Church of God, partly of refractory, ſchiſmatical, and perjured Miniſters, that contrary to their Oaths and Subſcriptions, from which no Humane power could abſolve them, have filthily reſiled, and ſo made themſelves to the preſent and future Ages moſt infamous: and that no Church-man be bound to appear before them, nor any Citation, Admonition, Certification, or Act whatſoever, proceeding from the ſaid pretended Meeting, be prejudicial to the Juriſdiction, Liberties, Priviledges, Rents, Poſſeſſions, and Benefices belonging to the Church, nor to any Acts of former General Aſſemblies, Acts of Council, or Parliament made in favours thereof: but to the contrary, That all ſuch Acts and Deeds, and every one of them, are and ſhall be reputed unjuſt, partial, and illegal, with all that may follow thereupon. And this our Proteſtation we humbly deſire may be preſented to His Majeſty, whom we do humbly ſupplicate, according to the practice of Chriſtian Emperours in Ancient times, to convene the Clergy of His whole Dominions, for remedying the preſent Schiſm and Diviſion, unto whoſe Judgement and Determination we promiſe to ſubmit our Selves, and all our Proceedings.*

Given under our hands at *Morpeth*, *Berwick*, and *Holy-Iſland*, the tenth and eleventh of *Auguſt*, 1639.

Signed,

St. Andrews.	Wal. Brechinen.
Da. Edinburgen.	Ja. Liſmoren.
Jo. Roſſen.	Ad. Aberdon.
Th. Galloway.	

An .1639.

When my Lord *Traquair* came to *Scotland*, he found all the Conditions of the Treaty violated, the Fortifications of *Lieth* continued, the Forces not all disbanded, *Leſley* keeping up ſtill the Character of General, beſides many other particulars.

The Aſſembly fits and proceeds violently.

After his coming to *Edinburgh*, the Aſſembly was held there about the middle of *Auguſt*, but they had not remitted any thing of their Fervour: only in renewing the laſt years Acts, they were contented not to mention the Aſſembly of *Glaſgow*; magnifying that as a high Condeſcendency, not conſidering how diſproportioned it was to the great Conceſſions made by His Majeſty. Neither were they content with diſcharging the uſe of the Service-Book and Book of Canons, but would needs tax them of Popery, and the High Commiſſion of Tyranny. Like to theſe were their Narratives of Annulling the *General Aſſemblies held by King* James, and of *aboliſhing Epiſcopacy*, of which my Lord *Traquair* gave His Majeſty an account; and the following Anſwer was ſent from His Majeſty. But one difference of the Kings Uſage of the Marquis from what he gave his other Commiſſioners, is, that to him he wrote his Orders all with his own Pen; but to others he wrote by another Pen, only *Superſcribed* the Letters himſelf. And in his Letters to *Traquair* he imployed the Marquis for his Secretrary. The Kings Letter follows, taken from the Marquis his Copy, bearing date the 20th of *Auguſt*.

CHARLES R.

Right Truſty,

WE have hitherto commanded Hamilton *to anſwer ſeveral of your Letters; but that of the* 16th *of* Auguſt *being of more weight than any of your former, We have thought fit to anſwer it Our Self.*

And whereas you ſay, that nothing will ſatisfie them, except in terminis *the laſt Aſſembly be named and ratified, or that way be given to the diſcharging Epiſcopacy as abjured in that Church, as contrary to the Confeſſion of Faith* 1580. *and the Conſtitutions of the ſame, you being yet in ſome hope, that the word* Abjured *may be got changed, and that in drawing up the words of the Act it be only condemned, as contrary to the Conſtitution of that Church; We in this point leave you to your Inſtructions, they being full, if you conſider what We have ſaid concerning Epiſcopacy, and ſubſcribing the Confeſſion of Faith* 1580: *We thinking it fit to declare hereupon unto you, that let their Madneſs be what it will, further than We have declared in Our Inſtructions in theſe points, We will not go.*

For the Service-book and Book of the Canons, though We have been and are content it be diſcharged; yet We will never give Our Voice nor Aſſent, that they be condemned as containing divers Heads of Popery and Superſtition. In like manner, though We have been and are content, that the High Commiſſion be diſcharged; yet We will never acknowledge that it is without Law, or deſtructive to the Civil and Eccleſiaſtical Judicatories of that Our Kingdom, nor that the Five Articles of Perth, *though diſchargod with Our Approbation, be condemned as contrary to the foreſaid Confeſſion. As concerning the late Aſſemblies, We cannot give Our Conſent to have them declared null, ſince they were ſo notorouſly Our Father (of Happy Memory) His Acts: It ſeeming ſtrange, that We having condeſcended to the taking away all theſe things that they complained of, which were done in thoſe Aſſemblies, they will*

not

not be content therewith, without laying an Aſperſion on Our Fathers Actions. Wherefore if the Aſſembly will in deſpite of your Endeavours conclude contrary to this, you are to proteſt againſt their Proceedings in theſe points, and be ſure not to ratifie them in Parliament. An. 1639.

• *Concerning the yearly Indicting of General Aſſemblies, and the Confeſſion of Faith, We commanded* Hamilton *in his of the 16th to anſwer that point to this effect; That We think it infinitely to Our Prejudice, that We ſhould conſent to tie Our Self for the keeping yearly of their Aſſemblies, not needing to repeat the Reaſons, they being well enough known to you; ſeeing at* Berwick *it was conceived upon debate of that Point, that your having Power to indict a New one, within the Year, would ſave that diſpute, which you are by all means to eſchew. But if this will not give ſatisfaction, you are by no means to give your aſſent to any ſuch Act, nor to ratifie the ſame in Parliament.*

The Article in your Inſtructions which is onely, That the Covenant 1580 *ſhall be ſubſcribed, you muſt have an eſpecial care of, and how you proceed therein: That the Bond be the ſame which was in Our Fathers time,* mutatis mutandis; *and that you give your Aſſent no other ways to the Interpretations thereof then may ſtand with Our future Intentions, well-known to you: nor is the ſame otherwiſe to be ratified in Parliament.*

Thus you have Our Pleaſure fully ſignified in every particular of your Letter, which you will find no ways contrary to Our Reſolution taken at Berwick, *and Our Inſtructions given to you there. But if the Madneſs of Our Subjects be ſuch, that they will not reſt ſatisfied with what We have given you Power and Authority to condeſcend to, which notwithſtanding all their Inſolencies We ſhall allow you to make good to them, We take God to witneſs, that what Miſery ſoever ſhall fall to that Country hereafter, it is no fault of Ours, but their own procurement. And hereupon We do command you, that if you cannot compoſe this Buſineſs according to Our Inſtructions, and what We have now written, that you prorogue the Parliament till the next Spring; and that you think upon ſome courſe how you may make publickly known to all Our Subjects, what We had given you Power to condeſcend to. And becauſe it is not improbable that this way may produce a preſent Rupture, you are to warn and aſſiſt* Ruthwen *for the defence of the Caſtle of* Edinburgh, *and to take in general the like care of all Our Houſes and Forts in that Kingdom; and likewiſe to advertiſe all ſuch who are affected to Our Service, that timouſly they may ſecure themſelves. And ſo We bid you heartily farewell.*

The greateſt Point gained in the Aſſembly was, an Explication of the Bond of Defence, which was conceived in theſe Words.

WE do ſwear not onely our mutual concurrence and aſſiſtance for the cauſe of Religion, and to the uttermoſt of our power, with our Means and Lives, to ſtand to the Defence of our Dread Soveraign, and His Authority, in the preſervation and defence of the ſaid true Religion, Liberties, and Laws of this Kirk and Kingdom: but alſo in every cauſe which may concern His Majeſties Honour, we ſhall (according to the Laws of this Kingdom, and Duties of good Subjects) concur with our Friends and Followers in quiet manner or in Arms, as we ſhall be required of His Majeſties Council, or any having His Authority. The Explication of the Covenant.

The

An. 1639.

Episcopacy abjured in *Scotland.*

The Clause about Episcopacy was worded, *That it was unlawful in this Church.* Upon this the Covenant was presented to the Commissioner and Council on the 30th of *August*, with a desire that it might be signed, and it was accordingly done; which was received with great Joy, witnessed by Bonfires and ringing of Bells, and all the Pulpits and Streets were full of *Traquair*'s Praises. But His Majesty was no way satisfied with this, as appears from the following Letter.

CHARLES R.

Right Trusty, &c.

The King displeased with *Traquair.*

YOur Letter of September *the* 27th *to* Hamilton *We have seen, and think fit to return Answer thereunto Our Self; and the rather because We find by yours, that some Points in the former Letter were not so fully expressed, but that you desire more clear Answers. First you say, that in all your Directions it is condescended, that by Act of Assembly* Episcopacy *should be declared* unlawful in this Kirk; *and that by all the Capitulations of Agreement, and Instructions given to you, that same is allowed to be ratified in Parliament upon the foresaid terms agreed upon in the Assembly. In this Point We must tell you, that you are much mistaken: for though you have Power for giving way to the Abolition of Episcopacy, as contrary to the Constitutions of the Church of* Scotland; *yet you will not find either in your Instructions, or any other Direction since sent you, that We have consented to declare the same* Unlawful: *We making a great difference therein, for many things may be contrary to the Constitutions of a Church, which of themselves are not simply unlawful; for whatsoever is absolutely unlawful in one Church cannot be lawful in the other of the same Profession of Religion, but there may be many several Constitutions, and yet they all lawful. Therefore if I do acknowledge or consent,* That Episcopacy is unlawful in the Church of Scotland, *though as you have set it down in your consenting to the Act, the word* Unlawful *may seem onely to have a relation to the Constitutions of that Kirk; yet the Construction thereof doth run so doubtfully, that it may be probably inferred, That the same Function is acknowledged by Us to be unlawful in any other Churches in Our Dominions. Therefore as we totally disapprove of your consenting to the word* Unlawful, *as well to the Function, as Civil Places and Power of Church-men, in the Act of the General Assembly: so We absolutely command you, not to ratifie the same in these terms in the Parliament, but onely as contrary to the Constitutions of that Kirk; and to declare, that We ratifie this Act meerly for the Peace of the Land, though otherwise in Our Own Judgment We neither hold it convenient nor fitting; which you are to declare at the Ratifying of the same. And for the rest of your Declaration in the Assembly, to be registred in the Books of Council, for brevities sake We send you herewith a Copy of the same, as likewise that of the Covenant, interlined in those places which We disapprove of, and conceive to be the contrary to your Instructions, and some other Directions.*

As We have formerly written to you, We cannot consent to the rescinding any Acts of Parliament made in favour of Episcopacy; nor do We conceive that Our refusal to abolish those Acts is contradictory to what We have consented to, or to that we was obliged to: there is less danger in discovering any future Intentions of Ours, or at the best letting them guess at the same, than if We should permit the rescinding those Acts of Parliament, which Our Father with

so

ſo much expence of Time and Induſtry eſtabliſhed, and which may hereafter be of ſo great uſe to Us. And though it ſhould perhaps caſt all looſe, (as you expreſs;) yet We take God to witneſs, We have permitted them to doe many things in this Aſſembly, for eſtabliſhing of Peace, contrary to Our Own Judgment. And if on this point a Rupture happen, We cannot help it; the fault is on their own part, which one day they may ſmart for. So you have in this Point Our full Reſolution. An. 1639.

We likewiſe wrote formerly to you, that We thought it not fit at this time, that the Power of the Lords of the Articles ſhould be defined, and that you are to avoid the ſame, and to be ſure not to conſent thereunto. Now your laſt Letter gives Us ground to repeat the ſame again, and to declare to you, that We remain in Our former Opinion.

And whereas you ſay, that it is to no purpoſe to vex Us with all the indiſcreet and mad Propoſitions that are made, ſince they go about not onely to reform all pretended Abuſes, of what nature ſoever, but to conſtitute and define the Power of all Judicatories from the higheſt to the loweſt, and that you are like to agree in few or none of the General Acts: If you find, that what We have commanded you to doe, is likely to cauſe a Rupture, their impertinent Motions give you a fair occaſion to make it appear to the World, that We have condeſcended to all matters which can be pretended to concern Conſcience and Religion; and that now they aim at nothing but the Overthrow of Royal Authority, contrary to all their Profeſſions, which We can neither with Honour nor Safety ſuffer. And therefore We hope and expect, that if a Rupture happen, you will make this appear to be the cauſe thereof, and not Religion, which you know not onely to be true, but muſt ſee it will be of great advantage to Us, and therefore muſt be ſeriouſly intended by you.

We have no Directions of new to give you, concerning the Marquis of Huntley, *Sir* Donald Mack-donald, *or any others to whom Malice is carried for their Zeal for Our Service, but again recommend them to your care.*

What hath paſt betwixt your ſelf and the Earl of Argyle, *We have heard nothing of; but We are eaſily induced to believe, that what you wrote of his undutiful Carriage is true, and that you will eaſily make it appear, to which We will give no unwilling Ear.*

Thus you have your laſt Letter anſwered, with what for the preſent and on ſuch a ſudden hath come into Our thoughts: and ſo We bid you Farewell.

Whitehall, Octob. 1. 1639.

The Parliament ſate at *Edinburgh* the day appointed, but their Actings can onely be overly related, they being too remote from the Marquis his Story; ſo that onely ſuch Generals are to be hinted as occur among his Papers. They conſented that for that time *Traquair* (as Commiſſioner) ſhould name thoſe Lords of the Articles that were for the Nobility, who ſhould have been named by the Biſhops; but proteſted it ſhould be no Precedent for the future. And they went roundly to take away the Lords of the Articles totally, and were framing all their Acts at the rate of the Aſſembly. But *Traquair*, finding he could not hold pace with them, and keep cloſe to his Inſtructions, to the Letter of which he reſolved to adhere, did on the 30th of *October* prorogue the Parliament to the 14th of *November* next. The Covenanters, though they reſolved not to ſit till the day to which it was prorogued; yet proteſted againſt the Legality of any Prorogation without conſent of Parliament, and

The Parliament ſits in *Scotland*,

and is quickly prorogued.

ſent

An. 1639. ſent up the Earls of *Dumfermline* and *Lowdon* with the Acts of the Aſſembly to the King, deſiring he would order his Commiſſioner to give way to their Ratification in Parliament, as alſo to purge themſelves of any Miſrepreſentations the King might have received of their Actions.

They came to *London* on the 8th of *November:* but His Majeſty reſolved not to ſee them, ſince they came from *Scotland* without His Commiſſioners Warrant; wherefore they were commanded preſently to return home. They ſent a Letter to the Marquis, (for he would not ſee them) deſiring him to interpoſe for procuring them a Hearing, and that they might not be condemned unheard; whoſe Anſwer was, That the Order which the King had ſent them was upon mature Deliberation, and that nothing remained for them but Obedience: ſo they returned. And the King ordered *Traquair* to prorogue the Parliament, (Proroguing and Adjourning are all one in *Scotland*) to the ſecond of *June* next, and to come up and give an account of Affairs: which accordingly he did, but got a cold Reception, the King being highly diſpleaſed with his Subſcription of the Covenant, as was before marked. But he complained, that he could have no Aſſiſtance from them to obtain any thing if he had not done that, and that it was impoſſible to prevail with theſe People, except by Force, or by a total Compliance. The Biſhops failed not to take advantage at this trip of his, to purſue him with much eagerneſs, and he to recover himſelf was the more earneſt to preſs the King to a new Invaſion; aſſuring him that *Ruthwen* was ſo ſtrong in the Caſtle of *Edinburgh*, that he would teach them their Duty, and was very formidable to them. He alſo furniſhed the King with a great many Grounds for juſtifying his following Procedure againſt them; a chief one being a Letter he had got, which the Covenanters had written to the *French* King, deſiring his Protection and Aſſiſtance, which was High Treaſon by the Law of *Scotland*, as being a Treaty with a Foreign Prince without the Kings Permiſſion. And upon theſe Grounds it was, that the Earl of *Traquair* was afterwards purſued as the Grand Incendiary.

Traquair incites the King to a new War.

The Marquis ſaw there was too much Ground for His Majeſties Reſentments, either to contradict or condemn them; but that which grieved him was, that he ſaw not a way how His Majeſty ſhould be able to defray the Expence of a War without calling a Parliament in *England*, which was no leſs formidable to the Court than the Covenanters in *Scotland*, they foreſeeing what followed.

At this time the Covenanters ſent up their Petition to His Majeſty by one *Cunningham*, deſiring permiſſion to ſend ſome of their Number for their own Vindication: which His Majeſty granting, the Earls of *Lowdon* and *Dumfermline* were again ſent up. But *Lowdon* being accuſed of that Letter to the *French* King, was committed to the Tower. Yet he vindicated himſelf; firſt, that the Letter was not finiſhed, and had neither Date nor Direction, ſince that which was on the back of it (*Au Roy*) was added afterwards, and by another Hand; next, that it was written before the Pacification, and ſo was buried by the Oblivion; that it was never ſent, and that it was deſigned onely that the *French* King ſhould interpoſe and mediate for them. Upon all this he offered himſelf to a ſtrict Trial by his Peers in *Scotland:* but added, that he being ſent by the States of *Scotland*, and come upon His Majeſties Warrant, was firſt to be returned a Freeman thither, and thereafter to be accuſed

The Earl of *Lowdon* committed to the Tower.

and

and tried. This Accident troubled the Marquis extremely, for he knew it would raiſe Clamours againſt His Majeſties Juſtice, among thoſe who were inclined to miſconſtrue his Actions; and indeed it was highly reſented by the *Scotiſh* Lords, as a violation of the Law of Nations to meddle with any publick Meſſenger: but the King judged no Conſideration could warrant his Subjects to commit Treaſon, nor ſecure them from Trial and Cenſure when found Guilty. There were ſome ill Inſtruments about the King, who adviſed him to proceed capitally againſt *Lowdon*, which is believed went very far; but the Marquis oppoſed this vigorouſly, aſſuring the King, that if that were done, *Scotland* was for ever loſt. They would then have ſomewhat to pretend againſt ſo much as Petitioning and Treating: beſides, it was againſt the Laws of *Scotland* to proceed againſt a *Scotiſh* Peer for a Crime committed in *Scotland*, but by the Peers of *Scotland*. And after all this, he aſſured His Majeſty, that he knew few of the Covenanters who might be more able to ſerve the Kings Intereſt, and could be more eaſily gained than *Lowdon*. And the truth was, that Letter was ſigned by ſix of the Covenanting Lords, but being put in the hands of the Lord *Mirtland* to ſign it, (as he told the Writer) he found it was Falſe *French*; and ſo it was laid aſide for that time, and never again taken into conſideration: but one taking up the Letter brought it to *Traquair*. His Majeſty being of himſelf both Juſt and Good, did reject thoſe cruel Counſels, as hurtful to his Service: yet *Lowdon* continued priſoner for ſome months; his Enlargement ſhall be mentioned in its proper place. *An.* 1639.

But how to proceed in the publick Affairs was a hard Chapter. Which way the Counſels were taken this Winter, doth not appear to the Writer, but from the Effects. Only the Marquis was full of apprehenſions, foreſeeing that it would be impoſſible for the King to do much without a Parliament in *England*, and Subſidies granted by it; but they had reaſon to think the Parliament would begin with Grievances, before they went to Subſidies; and if their enquiring into the former proved long and fierce, as it would protract the Kings Supply, it might alſo breed Irritations and Heats, and end in a Rupture, without relieving the King. Neither could much be expected from a Loan of Money: moſt of the Cities (*London* eſpecially) were not well-affected to the Court, and ſo were like to prove backward and narrow; and all might be promiſed from that, was to put off one Summer: but the *Scotiſh* Storm was like to lie longer. Beſides, he believed, that if the Loan of Money went through, the *Scots* would think that a good reaſon for their entring into *England*, to make the Northern Countries the ſeat of the War, which would prejudice the Kings Service in *England*. All this he foreſaw well, and therefore was rack't with perplexity: only he was not doubtful what to doe himſelf, reſolving to follow the Kings Intereſts on all hazards: and in theſe Conſultations this Year ended. A new War with *Scotland*.

An. 1640.

Anno 1640.

They prepare in *Scotland* for War.

IN *Scotland* they begun again to prepare for a new War: and the Miniſters this year were likewiſe very buſie, taxing the King, as having violated the late Pacification, becauſe way was not given to all their Acts. Beſides, it was preached in the very Pulpits of *Edinburgh*, that the King had cauſed burn at *London*, by the hand of the Hangman, the *Articles of the Treaty at Berwick*. This was founded on the Cenſure was put on the Paper ſpoke of laſt year, which they gave out as the Conditions of Agreement; and was burned by Order of the Council of *England*, upon the Declaration made by all the *Engliſh* Lords who were on the Treaty, That no other Articles were agreed upon, beſide the Seven above-mentioned: yet this took with the People. Next, they laid on great Taxes for paying the laſt years Debts, and defraying the Expence this year was like to draw on: and for procuring of Money, they fell on a new Device, to cauſe the Miniſters exhort all to lend liberally for the Service of the Cauſe; which they did with ſo much Art and Zeal, that the Women came, and brought in their Jewels, Rings, and Plate, however much Money was not got that way, and all was far ſhort of what they needed: therefore divers of the moſt zealous of the Lords, chiefly the Earls of *Rothes* and *Caſſils* did give Bonds for great ſums of Money, and one *Dick* a rich Citizen of *Edinburgh* was got to lend them many thouſand pounds.

Lanerick made Secretary of State.

In *February* the Earl of *Sterlin* the Secretary died, for whoſe Place the King made choice of the Marquis his Brother, Lord *William*, whom he created Earl of *Lanerick*. It was indeed the Kings choice, for neither had the Marquis moved it, nor himſelf pretended to it. The Earl of *Lanerick* did act ſo conſiderable a part in Affairs after this, that methinks their Hiſtory ſhould be as little divided, as their Counſels and Affections for the Kings Service were: and therefore as *Lanerick's* Actions come in my way, they ſhall not be paſſed over in ſilence. Being made Secretary, his firſt care was to inform himſelf of all that belonged to his Place and Duty, in the diſcharge whereof he reſolved neither to ſpare labour or induſtry, that thereby he might ſupply the defect of his years, which were then but four and twenty.

But to go on with the *Series* of the Story, the King went on carefully with his Preparations; only the Charge of a Fleet was ſo great, that he could not think of it this year, but ſent out as many Ships as ſtopt the *Scotiſh* Trade. And finding how ill he had been ſerved by his Lieutenant-Generals the former year, and confiding both in the valour, fidelity, and conduct of the Earl of *Strafford* then Lord Lieutenant of *Ireland*, he was called over to be Lieutenant-General in this Expedition: and the Marquis was deſigned Colonel of the Kings Regiment of Guards.

The ſtate of Affairs in *Scotland*.

In *Scotland* they were gathering Money, bringing in more Arms, and fortifying ſuſpected Places, few reſiſting them, except *Huntley* in the North, and *Niddiſdale* in the South; but the later was able to doe little. The Marquis had divers Letters from my Lord *Lindeſay*, which are yet extant, complaining of the Preparations they heard were making againſt them: That Officers for the Army were already named, Money was gathering; not only *Berwick* & *Carliſle* were fortified, but *Edinburgh*-Caſtle and *Dumbriton* alſo had new men put in them, and *Engliſh*-men were

put

put in the former; whereupon they were forced to reſolve on hazarding the utmoſt for the Defence of Religion and Liberties, and that all were Contributing very liberally, and knew of good Friends, both in *England* and abroad; wherefore he aſſured him, if things went to extremities, they would not end ſo well as they did laſt year. And he beſought him that he would prove a good inſtrument betwixt the King and the Country, proteſting, that for his own part nothing next to Religion went ſo near his Heart as the Kings Service. In end, he conjured him not to accept of any new Service, if it went to an open Breach, aſſuring him he would be ruined if he did; telling him that God had provided a relief for them beyond their expectation. The Marquis carried all theſe Letters, as he got them, to his Majeſty, and by his command wrote the following Anſwer. *An.* 1640.

My Lord,

I *Received yours of* February, *wherein you endeavour to let me ſee the hazard that His Majeſty may run, if he take not a peaceable Courſe with his Subjects of* Scotland, *which you ſay, I am reported to be no adviſer of; as likewiſe the unavoidable Ruine that will befall me, in caſe of my accepting of any Imployment againſt them.* The Marquis his Letter to the Lord *Lindſay.*

The Arguments that you uſe, are the Reſolutions of your own People, and the aſſiſtance that you will have elſewhere, the particular way you forbear to write; yet you ſay, that God hath provided it beyond your expectation; and as it was beyond your expectation, ſo it is ſtill beyond my belief; my Reaſons you ſhall have anon. But firſt I will ſay ſomewhat concerning my ſelf.

Know then, Brother, *for a truth, that I heartily pray a Curſe may follow him and his Poſterity, that doth not endeavour and wiſh, that theſe unhappy Troubles may be compoſed in a fair and peaceable way. God, who knoweth the Secrets of all mens thoughts, can bear me record, with how much care, pains, and zeal I have endeavoured that; and I promiſe you, I ſhall as faithfully continue in that Courſe, as ever man did, in any Reſolution which was with reaſon grounded in his heart; how few either believe, or know this, I care not, for I have laid my accompt long ſince, and am reſolved on the worſt that can befall me. And for your further ſatisfaction, know, that nothing can grieve me more in this World, than to be ſent in any Hoſtile manner againſt my Friends, Kindred, and Country; where at the beſt, though I may merit ſomething from His Majeſty, (to whoſe Goodneſs I owe much beſides the Duty of a Subject) yet I ſhall never be called other than the Deſtroyer of them; and what cauſe of Sorrow this will be to a kind-hearted* Scotſh-man, *I leave to you to judge. Therefore I aſſure you, that if either my Induſtry, Intreaties, nay Prayers prevail, no ſuch Charge will be impoſed on me, my inclinations having always led me in this rather to follow your Advice, and abſent my ſelf, in caſe things come to the worſt, than to accept of that Employment; though I muſt tell you, it may bring along with it His Majeſties Diſpleaſure, and ſo conſequently certain Ruine. Yet I do intend to put that to the hazard, and if it happen, I will have the Vanity to ſay, it will neither prove advantageous to the Country, nor to thoſe in it, who once did me the Honour to eſteem me their Friend. To conclude this point, conſider, if a Navy come, probably I muſt be miſerable; for what can I gain by it? if employed, a Diſcontented Life ever hereafter. If the King ſhould impoſe the Charge on me, and I refuſe it, what the better would you be? an abler would be employed in it, and I need never look for His Majeſties Favour there-*

An. 1640 *after, and without that in his Kingdom will I never live. If I had no other Reaſons but theſe, (but I could write you fourty more,) conſider if I have not cauſe to endeavour Peace, and believe me I will do it.*

For the Danger that His Majeſty will run if he enter into this War, I do acknowledge with you it may be great; but that certain Ruine muſt follow, I cannot confeſs: yet I muſt ſay, that his Gain will be but ſmall, when he hath got that by Force which is his, or ought to be his already; but what remedy? He conceiveth a Kingdom to be loſt, and two will be hazarded to regain that, if they continue in the Courſe they are in.

For the Aſſiſtance you mention God hath provided for you elſewhere, that is conceived to be uſed as an argument to fright us: For from whence can it come?

From a Party in England? *Truſt not to that, nor give credit to a few Factious Spirits, with whom perhaps Correſpondence may be kept.*

From France? *Reaſon and the knowledge of their Affairs make us confident, that no great matter can come from thence: Reaſon, for they will not aſſiſt the Rebels (for ſo you will be called) of a King for examples ſake; and the neceſſity of their Affairs, for we know they have enough to do elſewhere.*

From Sweden? *Though they perhaps be willing, yet it is known, they have not men to do it in theſe Parts.*

From Holland? *The Body of that Eſtate hath by their Publick Miniſters diſallowed your Actions, and hath given aſſurance that they will be far from either giving Countenance or Aſſiſtance to you; what private men may doe by way of Stealth, is little regarded or to be eſteemed.*

Thus I freely write what is thought of the Aſſiſtance you are like to get from abroad, of which Opinion I ſhall ſtill be, unleſs you can make it more clearly appear; therefore I will uſe the old Proverb to you, Beware that your ſtout Hearts make not your Heads dry a Gutter, *and make you neglect the receiving of His Majeſties Pleaſure with all thankful Obedience, which, for any thing I know, nay I durſt Swear, will be no other than ſtands with the true Proteſtant Religion and the Laws of the Kingdom. What pity is it then, that theſe miſtakes ſhould continue? but how much more will it be, that they ſhould encreaſe to a Bloody War. If all amongſt you would rightly conſider what true Religion and Piety is, and lay that only before their Eyes, there are yet, not only good hopes, but certain aſſurances of a peaceable Concluſion of thoſe unhappy Troubles; and as you have adviſed me, ſo let me you, (which perhaps may be the laſt time, that on this Subject I ſhall write to you) endeavour Peace, which if gained, the effuſion of much Chriſtian Blood will be ſaved, the Country preſerved,* Scotſh-men *eſteemed Valiant, Juſt and Loyal, not only in this Kingdom, but through all* Europe, *and no man happier than*

Your now much troubled,
and affectionate Brother,

HAMILTON.

POSTSCRIPT.

For Anſwer to your Poſtſcript, *I am not in diſpair, but to bring it to a good paſs if your own carriage do not marre it; for His Majeſty is content to ſign the Signature, but it is to remain in my hands, and not to be delivered except*

except your Carriage do deſerve it, as well as Crawfords, *who knows not as yet, how far His Majeſty hath condeſcended. This Letter is not fit to be long keeped, therefore it will not be amiſs it be burnt. Let me hear from you with the firſt occaſion, and thereafter I care not how ſeldom, if matters come to the worſt.* An. 1640.

* *Since the writing of this, the Letter which* Rothes *wrote to the Chamberlain by* Dumfermline *was this day publickly read at Council-board, His Majeſty being preſent: it hath produced contrary effects to what (I believe) he expected, for not only doth the Chamberlain ſwear that there is not one true word in it, but hath beſeeched His Majeſty, that* Rothes *may be called to an account for the traducing of him in ſo high a nature, (to uſe his own words) nay to make him, (if it were in his Power) appear to be a* greater Traytor than himſelf. *In a word, the whole Table was much ſcandalized with the Letter, and no wayes ſatisfied with the Writer of it, even though it had been all as he expreſſed.*

I profeſs I have loved Rothes, *and am ſorry when any misfortune befalls him; and likewiſe I thought fit to mention this, that you may ſee what thoſe of this Country will doe, when it comes to an iſſue; therefore I hope not only he, but the whole Country will take example by this, and grow wiſe while there is time.*

This Letter he carried to the King, and at the end of that Copy he retained, yet extant, His Majeſty with his own hand wrote,

I have peruſed this Letter, and have not only permitted, but commanded that it ſhould be ſent.

Whitehall, 2 March 1639. CHARLES R.

This is ſet down to ſhew what his Correſpondence with his neareſt Friends was, and how warranted by His Majeſty.

The Grounds of the Covenanters Confidence.

But that the Reader may not be wholly in the dark about the Grounds of this Confidence the Covenanters had, I ſhall ſet down what I had from ſome Perſons of great Honour, who were fully informed about it. When the Earls of *Dumfermline* and *Lowdon* came to *London*, a Perſon of Quality of the *Engliſh* Nation (whoſe Name is ſuppreſt becauſe of the Infamy of this Action) came to them, and with great vehemence preſſed them to engage in a new War, and among other Motives brought them Engagements in writing from moſt of the greateſt Peers of *England*, to joyn with them, and aſſiſt them when they ſhould come into *England* with their Army. This did much animate them, for they had not the leaſt doubt of the Papers brought them. But all this was diſcovered at the Treaty of *Rippon* to have been a baſe Forgery: for there the *Scotiſh* Lords looking very ſullenly on ſome of the *Engliſh* Lords, as on Perſons of no Faith or Truth, the Lord *Mandevil* came to the Earl of *Rothes*, and asked the reaſon of that Change of their Countenance and Behaviour in them, who after ſome high reflections, at length challenged him and the other Lords of not keeping what they had engaged to them. Upon which that Lord ſtood amazed, and told him, and ſo did the other Lords there, that they had ſent no ſuch Meſſages

nor

An. 1640. nor Papers to them, and that they had been abuſed by the blackeſt Impoſture that ever was. Thus it appeared how dangerous it may be to receive ſome things that ſeem to have the higheſt Probabilities in them eaſily and upon truſt.

A ſhort Parliament in *England.*

In *April* following the King called a Parliament in *England*; but they begun with their Grievances, in which they roſe to ſo high a ſtrain, that after twenty days Sitting the King by advice of his Council diſſolved them: but the hopes of Money from the Parliament failing, the next Courſe was to try, what could be drawn by Loan; and for good example the Councellours ſubſcribed for near two hundred thouſand pounds Sterlin. What the Marquis his part was in this I ſhould have willingly concealed, judging fit that his Story ſhould be as ſparing in relating it, as himſelf was modeſt in not boaſting of it: but *Sanderſon*, and ſome other malicious or ignorant Pens, who ſay, *That he pretended Poverty, and ſubſcribed for none*, force me to free him of that Calumny, by a true Relation of what his Duty to the King coſt him at this time. He ſubſcribed for 10000 *l. Sterlin*, and laid down *Eight thouſand* of it preſently in Gold: likewiſe in *Auguſt* following at *York* he again ſubſcribed, and laid down Six thouſand and three hundred pounds, for both which he had Tallies ſtruck. Beſides this, when he ſerved as Commiſſioner in *Scotland* in the year 1638. he got no Payments made him; Ten thouſand pounds Sterlin was allowed him, of which he had not received a farthing: and beſides the great expence he was at in that Service, he laid that year out of his own Money about 5000 *l. Sterlin* on the Kings account. And thus in the ſpace of four years he advanced to the King near *Thirty thouſand ponnds Sterlin*, and this was in a time when the advantages he had by his Places and Penſions were (through the neceſſity of the Kings affairs) dried up.

The Councellours lend Money.

But ſince I was forced to ſay this, I muſt not conceal His Majeſty who now reigns, His Juſtice and Goodneſs to his Heireſs, in repaying the ſum contained in thoſe Tallies, together with the other Royal effects of His Favour, which they have felt in the repayment of the *Scotſh* Debt.

This is ſaid once for all, and all this was little reckoned of by him, who was ready to hazard both Life and Fortune for His Majeſties Service, acknowledging that it was Juſt, ſince he and his Anceſtors owed ſo much to the King and his Progenitours bounty, that all he had ſhould be ſpent in his Service.

Ruthwen a terror to the Covenanters.

The Covenanters in *Scotland* were beginning to look to themſelves, and fearing *Ruthwen*, who was in the Caſtle of *Edinburgh*, they required him to obey their Orders: but he told them, he had his Truſt from the King, and would acknowledge no Commands but his; whereupon they blockt him up. He might eaſily have done them much Miſchief, but his Orders were to hold himſelf moſt on the Defenſive, and to amuſe them, but not to break out to open Hoſtilities, within which limits he contained himſelf.

The Parliament ſits notwithſtanding the Kings Orders for proroguing of it.

The ſecond of *June* came, which was the day the Parliament was to Set: but the King had ſent down an Order to the Juſtice-Clerk for proroguing it, and he was to carry along with him in this Affair the aſſiſtance of the Kings Advocate, who was at this time confined to his Houſe in *Fife* by the King, upon pretence of ſome petty maleverſation in his Office, but really becauſe of his adhering to the Covenanters too much.

much. The Kings Advocate was glad both of being delivered from that Diſgrace, and for being honoured with the Employment. But to clear the Method in which he intended to proceed to make this Prorogation legal, I muſt look back a little; when *Traquair* got his Commiſſion under the Broad-Seal, there was another Commiſſion given under the quarter-Seal to the Lord *Elphinſtown*, the Lord *Napier*, the Kings Advocate, and the Juſtice-Clerk; theſe or three of them were impowred to act as Commiſſioners in *Traquair*'s abſence, and upon his Orders. Therefore the Kings Advocate judged it needleſs to fill up a Blank that was ſent down to be made uſe of if need were, to make the Prorogation Legal; but reſolved to require one of the other two, to concur with the Juſtice-Clerk and himſelf in the Prorogation, which was to be done after the Parliament was Fenced; therefore they provided the perſons neceſſary for Fencing of it, (a Ceremony they uſe in the beginning of a Seſſion) who are the Conſtable, the Marſhal, the Provoſt of *Edinburgh*, the Sheriff of *Lowthian*, and a Doomſter; and if any of theſe be abſent, the King muſt name others for their Service that day. So the Members of Parliament being met, the Kings Advocate required the Lord *Elphinſtown*, who was firſt in the Commiſſion, to go up with them to the Throne, for executing the Kings Commands; who having read the Commiſſion, found their Power was only to act by the Commiſſioners Order, and therefore called for *Traquair*'s Warrant: the Kings Advocate anſwered, That as when the King is preſent a Commiſſioners Power of it ſelf expires, ſo alſo when his Warrant is produced, there is no need of one from his Commiſſioner. But *Elphinſtown* ſtood on the Letter of the Commiſſion, and ſo found, he was not legally warranted to doe it. That ſame was the Lord *Napier*'s Anſwer, who was alſo of the Commiſſion, and ſo the Kings Advocate and the Juſtice-Clerk could doe nothing but take Inſtruments. Many imputed this to the Kings Advocat's Jugling; but he vindicated himſelf ſolemnly, which is extant under his Hand, with a long Narrative of this whole Affair ſent up by him to the King. However the effects of this Errour were great; for the Members voted themſelves to be in a Parliamentary Capacity, as being ſummoned by the King at firſt, and again adjourned to this day: whereupon they proceeded to the Enacting of what they had deſigned the former Year; and their Acts, though of great importance, yet meeting no oppoſition were quickly diſpatched: all which with a Prologue and Epilogue of two high Declarations were ſent in the Packet to the Earl of *Lanerick*, with the following Letter written by a Committee of Lords they had left to ſit at *Edinburgh*.

An. 1640.

A Letter from the Committee of Parliament to *Lanerick*.

Right Honourable,

IT is not unknown to your Lordſhip with what difficulties this Kingdom hath wreſtled this time paſt, in aſſerting their Religion and Liberties againſt the dealings of bad Inſtruments with His Majeſty to the contrary. The Means which they have uſed have been no other, but ſuch as they humbly petitioned and obtained from His Majeſty, a Free National Aſſembly and Parliament. The Aſſembly went on in a fair way, and was cloſed with the liking and full conſent of His Majeſties Commiſſioner; but the Parliament indicted by His Majeſty was prorogated, till the Reaſons of the Demands of the Eſtates were rendred to His Majeſty: which having done by their Commiſſioners, they kept the ſecond of June (*the day appointed by His Majeſty*) *for the ſitting of the*

An. 1639. *the Parliament. And after diligent Inquiry, hearing nothing from His Majeſty nor His Commiſſioner, neither by their own Commiſſioners, or any other ſent from His Majeſty, which might hinder the Parliament to proceed to the ſettling of their Religion and Liberties, after mature Deliberation and long waiting for ſome ſignification of His Majeſties Pleaſure, they have all with one conſent reſolved upon certain Acts, which they have judged to be moſt neceſſary and conducible for His Majeſties Honour and the Peace of the Kingdom, ſo far endangered by Delays: and have committed to us the Truſt to ſhew you ſo much; and withall to ſend a juſt Copy of the Acts, that by your Lordſhip (His Majeſties principal Secretary for* Scotland) *they may be preſented to His Majeſty. The Declaration prefix'd to the particular Acts, and the Petition in the end, contain ſo full Expreſſions of the Warrants of the Proceedings of the Eſtates, and of their humbly continued Deſires, that no word needs to be added by us. We do therefore in their Name (according to the Truſt committed to us) deſire your Lordſhip (all other ways of Information being ſtopt) with the preſenting of theſe Acts of Parliament, to repreſent unto His Majeſty, againſt all Suſpicions, Suggeſtions, and Tentations to the contrary, the conſtant Love and Loyalty of this Kingdom unto His Majeſties Royal Authority and Perſon, as their Native King and kindly Monarch; and that they are ſeeking nothing but the eſtabliſhing of their Religion and Liberties under His Majeſties Government, that they may ſtill be a free Kingdom to doe His Majeſty all the Honour and Service that becometh humble Subjects: that their Extremity is greater through the Hoſtility and Violence threatned by Arms, and already done to them in their Perſons and Goods, by Caſtles within, and Ships without the Kingdom, than they can longer endure: and that as His Majeſty loveth His Own Honour, and the Well of this His Ancient Kingdom, ſpeedy courſe may be taken for their relief and quietneſs; and that if this their faithful Remonſtrance (which as the great Council of the Kingdom they found themſelves bound to make at this time for their Exoneration) be paſſed over in ſilence, or anſwered with delays, they muſt prepare and provide for their own Deliverance and Safety. We are very hopeful that your Lordſhip (as a good Patriot, and according to the Obligement of your Place) will not be deficient in that Duty for your Native Country, and ſend us a ſpeedy Anſwer, as we ſhall in every Duty be careful at all occaſions to ſhew our ſelves.*

Edinburgh,
17 June, 1640.

Your Lordſhips humble Servants:

Signed,

Balmerino	J. Murray	Ed. Eggar
Burghly	J. Hamilton	Tho. Paterſon
Napier	G. Dundas	Ja. Sword
Thomas Hop	J. Smith	

The Covenanters did alſo ſign a Bond among themſelves for adhering to theſe Acts, and proſecuting of thoſe who had been the Incendiaries from the beginning of theſe Stirs, the Marquis and *Traquair* being the chief of them.

The King is highly offended.

But all this gave great Offence at Court, the King looking upon it as a bolder Attempt than any yet made, which ſtruck at the root of His Authority, and overturned the Fundamental Laws of *Scotland*; and therfore he judged himſelf bound to repair this Affront with the Sword

God

God had put in his Hands. At this time the Marquis got the following Memorial sent him from my Lord *Lowdon* out of the Tower of *London*, written all with *Lowdon*'s Hand, and yet extant. *An.* 1640.

Memorandum for the Lord *Lowdon*;

Lowdon moves for his Enlargment.

TO *speak to the Marquis of* Hamilton, *that according to that Intereſt of Blood, and the Confidence which the Lord* Lowdon *repoſeth in him, his Lordſhip may be pleaſed to intercede ſeriouſly with the King, that His Majeſty may be Graciouſly pleaſed to conſider of the Petitions and Informations which have been tendered to His Majeſty from the Lord* Lowdon, *and for him from* Scotland, *which do abundantly clear his Innocency concerning that* French *Letter, in reſpect of the time and occaſion of writing that Letter, the Letter it ſelf being onely for Mediation and Interceſſion, as is clear by the Inſtructions yet extant, to have been ſent with that Letter, which are the true Commentary of the Letter. The Letter it ſelf was never ſent nor uſed, but rejected, and no other Letter ſent. It was written long before the Pacification, wherein His Majeſty was Graciouſly pleaſed to paſs all preceding Deeds in Oblivion.*

The Lord Lowdon *came hither upon His Majeſties Own Warrant, which is ſufficient for his Indempnity and Return, till he be exonered of his Imployment. He came from the Parliament with Commiſſion from them to ſhew His Majeſty the Reaſons of their Demands, truſting confidently in His Majeſties Juſtice and Goodneſs, and with moſt Loyal Affection and Ardent Deſires to have given His Majeſty ſatisfaction, and to have returned with no leſs Fidelity and Forwardneſs in carrying and preſſing His Majeſties Royal and Juſt Commands, during which time he could expect nothing leſs than that he would be called in queſtion for a* prior *Deed; all which are moſt manifeſt by the Petitions and Informations preſented to His Sacred Majeſty.*

Therefore I moſt humbly beſeech, that His Majeſty may be Graciouſly pleaſed to conſider of the former Petitions and true Informations, which being pondered in the Balance of His Majeſties Righteous Judgment, I am moſt confident my Innocency will appear clearly to His Majeſty, and that I will find ſuch a ſpeedy delivery, as may give demonſtration to the World of His Majeſties Juſtice and Goodneſs, and as may not onely from the Conſcience of my Duty, but likewiſe from the ſenſe of His Royal Benignity, encourage me ever to contribute my beſt Endeavours for furthering of His Majeſties Service.

And if His Majeſty be not fully ſatisfied with my humble Petitions and true Informations of my Innocency and Loyalty, but doth notwithſtanding thereof harbour any opinion of my Diſloyalty, or caſting off my dutiful Obedience and Subjection to His Majeſty, or offering Subjection to any other King or Potentate in the World, I am content to undergo the moſt exact Trial which is agreeable to the Laws of that Kingdom by which onely I ought to be judged, rather than lie under ſuch a heavy Imputation, which to me (who am conſcious of my own Innocency, and of my moſt tender and humble Duty towards His Majeſty,) is more grievous than my Sufferings, which can onely prejudice and hurt me and my private Eſtate, but can no ways conduce for advancing of His Majeſties Service, but rather be a hinderance to the Accommodation of Affairs; whereas my Liberty or lawful Trial will ſerve for the Illuſtration of His Majeſties Juſtice to the World, and will make His Subjects without fear of danger to tender their humble Suits and Remonſtrances at the Throne of His Royal Juſtice.

An. 1639. The Marquis treats with him by the Kings Order.

Upon this the Marquis preſſed the King much for my Lord *Lowdon*'s Enlargement, ſince the Covenanters made great noiſe with it in all their Complaints, and pretended, that they durſt ſend up no more Commiſſioners; and therefore they ſent their Acts in the Packet.

He did alſo ſhew His Majeſty, that he knew by the Lieutenant of the Tower that *Lowdon* was very fearful: wherefore he deſired permiſſion from the King to try what this Fear could draw from him, and to ſee if his Enlargement, with the hopes of a Noble Reward, could engage him to the Kings Service; which (if obtained) might prove of great advantage; ſince the Irritations he had received would make his Advices leſs ſuſpected in *Scotland*. His Majeſty approving this, he treated with *Lowdon*, and found him abundantly pliant: and ſo on the 26th of *June* he agreed with him on theſe Terms, which he got under *Lowdon*'s Hand, in two Papers yet extant.

I. *THE Lord* Lowdon *doth promiſe to contribute his faithful and uttermoſt Endeavours for His Majeſties Service, and furthering of a happy Peace, and ſhall with all poſſible diligence and care go about the ſame, and ſhall labour that His Majeſties Subjects of* Scotland *may in all humility petition, that His Majeſty may be Graciouſly pleaſed to authorize a Commiſſioner with full Power from His Majeſty to eſtabliſh the Religion and Liberty of that His Majeſties Native and Ancient Kingdom according to the Articles of Pacification, and that by a new Convening or Seſſion of the Parliament, without coheſion or dependence on what hath been done by themſelves without His Majeſties Preſence, or of a Commiſſioner to repreſent His Majeſties Royal Perſon and Power.*

II. *That if there be not an Army already convened in* Scotland *in a Body, he ſhall endeavour that they ſhall not convene, nor come together during the time of Treaty, in hope of Accommodation; and if they be already convened in a Body before his return, he will labour that they may diſſolve and return to their ſeveral Shires, or diſpoſe ſo of them, that they remain not in one Body, as may beſt evince that they intend not to come into* England; *but may carry themſelves in that reſpective way, as may beſt teſtifie their Duty to His Majeſty, and their Deſires of Peace.*

III. *That if General* Ruthwen *ſhall happen to become their Priſoner, they may (as a teſtimony of their deſire to ſhun every thing which may provoke His Majeſties diſpleaſure) preſerve him, and that the Lord* Lowdon *will ſhew how far he is engaged for his Safety.*

IV. *That when Affairs ſhall be brought to a Treaty in Parliament, and that His Majeſty ſhall be Graciouſly pleaſed to ſettle the Religion and Liberties of the Kingdom according to the Articles of Pacification, he will endeavour that the Kings Authority ſhall not be entrenched upon, nor diminiſhed, that they may give a real demonſtration to the World, how tender and careful they are, that His Majeſties Royal Power may be preſerved both in Church and State.*

V. *That what is done or imparted to the Lord* Lowdon *concerning His Majeſties Pleaſure ſhall be kept ſecret, and not revealed to any here, further than His Majeſty ſhall think expedient.*

That the Lord Lowdon *ſhall (as ſoon as conveniently he can) return an account of his Diligence.*

There

An. 1640

There was given with this another Paper, which follows.

A *Memorandum* of what paſſed betwixt the Marquis of *Hamilton* and me, 26 *June* 1640.

I. *BEcauſe no great matters can be well effectuated without Truſt, Fidelity, and Secrecy; therefore it is fit that we ſwear Fidelity and Secrecy to others, and that I ſhall faithfully contribute my beſt Endeavours for performance of what I undertake; and that my Lord Marquis doe the like to me.*

II. *Our deſires and deſigns do tend mainly for Preſervation of Religion, Laws, and Liberties of the Kingdom, the Kings Honour, and of His Royal Authority, and for eſtabliſhing of a happy Peace, and preventing of Wars; and we are to adviſe and reſolve upon ſuch ways and means as may beſt conduce for theſe ends.*

III. *If (after uſing of our utmoſt Endeavours) it be not Gods will that we may be ſo happy as to obtain ſuch a Peace in haſte, as may content the King and ſatisfie his Subjects, till differences draw to a greater height, and beginning of Wars, to reſolve what is fit to be done in caſe of ſuch an Extremity, for attaining a wiſhed Peace, and to condeſcend what courſe we ſhall take for keeping of Correſpondence.*

If my Endeavours and Service (which doubtleſs will put me to a great deal of expence and pains) ſhall prove uſeful for His Majeſties Service and Honour, and the Good of the Kingdom, which are inſeparable, the Marquis will intercede really, and imploy his beſt Endeavours with the King, to acknowledge and recompence the Lord Lowdon's *Travels and Service, in ſuch manner as a Gracious King and Maſter ſhould doe to a diligent and faithful Servant.*

Upon this *Lowdon* was enlarged next day, and permitted to go down to *Scotland*; but thoſe who did not know the Secret of this, thought the King had weakened himſelf much, by letting go an Hoſtage of ſuch importance: and this gave new Suſpicions of the Marquis his Tamperings with the Covenanters. *Lowdon* is enlarged.

His Majeſty commanded the Earl of *Lanerick* to write, by the Lord *Lowdon*, the following Anſwer to the Letter ſent up by the Lords of *Scotland*, with the Acts they had lately paſſed.

My Lords,

Lanerick's Anſwer to the Committee in *Scotland*.

BY my former of the Date the 23th *of* June, *His Majeſty was pleaſed to promiſe by me, to let you know within few days His further Pleaſure concerning thoſe Proceedings and Deſires of the Noblemen, and Barons, and Burgeſſes, which you ſent me to be preſented to His Majeſty; whereupon he hath now commanded me to tell you, that the not proroguing of the Parliament in a Legal and Formal way, was not for want of clear Inſtructions, and of full and ample Power from His Majeſty, He having fully ſignified His Pleaſure to thoſe whom He did entruſt with the executing thereof, not thinking it fit to imploy other Servants of greater Eminence, by reaſon of the diſorders and iniquities of the Times: and as forced by the importance of his other great and weighty Affairs, He was neceſſitated to prorogue the Parliament for ſome few days, ſo did He moſt really intend to perform at the time prefixed whatſoever He had promiſed by the Act of Pacification. But neither can the neglect of His Servants, (if any be) nor thoſe other Reaſons alledged by the foreſaid Noble-*

An. 1640. *men, Barons, and Burgeſſes, in their Declaration for their Sitting, ſatisfie His Majeſty for their proceeding in a Parliamentary way; ſince by the Duty and Allegeance of Subjects, they are bound to acknowledge in a moſt ſpecial manner His Tranſcendent Power in Parliaments; and if Subjects there do aſſume the Power of Making Laws, and of Reſcinding thoſe already made, what Act can be done more derogatory to that Regal Power and Authority we are all ſworn to maintain? Therefore His Majeſty conceives, they cannot in reaſon expect He can interpoſe His Royal Authority to theſe, or any other Acts whatſoever, whereto neither He in His own Royal Perſon, nor by His Commiſſioner did aſſiſt. Yet ſuch is His Majeſties Clemency, that when they ſhall take ſuch an Humble and Dutiful way as may witneſs, that they are as careful and tender of His Majeſties Royal Power, as they are deſirous of His Approbation, then ſhall it be time for them to expect ſuch a Gracious and Juſt Anſwer, as may teſtifie His Majeſties Fatherly Compaſſion of that His Native Kingdom, and his Pious and Princely care of performing whatſoever is neceſſary for eſtabliſhing their Religion and Laws. So thus having imparted unto you all that was enjoyned me by His Majeſty, I ſhall ſay no more from my ſelf, but I am*

Whitehall 27th of June, 1640.

Your Lordſhips humble Servant,

LANERICK.

My Lord *Lowdon* found matters at ſo great a height, that he was able to do little more than give intelligence, that he delivered the Letter to the Lords at *Edinburgh*, who returned to it the following Anſwer.

My Lord,

The Reply of the Committee.

WE received your Lordſhips Letter of the 27th *of* June *from the Lord* Lowdon, *whoſe relief out of Priſon, gives us occaſion (before we anſwer your Lordſhips Letter) to acknowledge the ſame as an act of His Majeſties Royal Juſtice and Goodneſs, although the pretended cauſe of his Impriſonment was but a malicious Calumny of the Enemies of the Kings Honour and our Peace, forged to engage both His Majeſties Kingdoms in a National War. As we cannot but regrate, that any neglect of His Majeſties Officers, or abſence of His Commiſſioner, whoſe preſence we did both deſire and expect, ſhould hinder the interpoſing of His Royal Authority to theſe Acts of Parliament, which were found moſt neceſſary for eſtabliſhing Religion and the Peace of this Kingdom, and which according to the Acts of Pacification, His Majeſty was graciouſly pleaſed to promiſe; ſo we have and ſhall ſtill endeavour to give demonſtration of that tender Reſpect we have of His Majeſties Honour and Royal Power. And whereas your Lordſhips Letter doth imply, that we ſhould take ſome other way for the more eaſie obtaining His Majeſties Approbation, which alſo by ſeveral reaſons hath been moſt inſtantly preſſed by the Lord* Lowdon; *yet we conceive that Parliamentary way, which was taken by the Eſtates convened by His Majeſties Special Warrant, to have been moſt Legal and neceſſary, and no ways derogatory to His Majeſties Power in Parliament, nor contrary to the Duty of good Subjects, who are warranted by the Articles of Pacification, under His Majeſties Hand, to determine all Civil queſtions, ratifie the Concluſions of the Aſſembly, and remove the preſent Diſtractions of this Kingdom, as is more abundantly demonſtrated by their Declaration*

claration in Parliament thereabout. So that we dare not take any other Courſe, which may entrench upon their Parliamentary Power, or Proceedings; nor will we (being ſo few in number appointed by them to ſtay here) preſume of our ſelves, in a matter of ſo great moment, to return a more full and particular Anſwer, till there be a more frequent Meeting of thoſe appointed by Parliament, which will be ſhortly; and then your Lordſhip ſhall be acquainted, that you may ſhew His Majeſty their Reſolutions and humble Deſires, and we ſhall remain An. 1640.

Edinburgh 7th of July, 1640.

Your Lordſhips affectionate Friends and Servants.

Signed,

Lindſay.	Napier.	Ja. Sword.
Balmerino.	J. Murray.	J. Forbes.
Burghly.	G. Dundas.	Ed. Eggar.

The Preparations are great in *Scotland.*

They went on with their Preparations, and cauſed all to bring in the tenth Peny of their Rents, to make this War look like a Sacred one, ſince carried on by the Tithes: and ordered their Forces to be drawn together. Mean while the King went on at as good a pace as he could, and went from *London* in the end of *July*, to make his Rendezvous at *York*. The Earl of *Strafford* ſtaid ſome time behind, partly for Sickneſs, partly to ſee what Money could be borrowed from *London*; and at this time there were great and high Miſunderſtandings between him and Sir *Henry Vane*, both making their Complaints to the Marquis by their Letters. *Strafford* was alſo to bring an Army out of *Ireland*, upon the Weſt of *Scotland*, whereupon they in *Scotland* drew their Forces together in the end of *Auguſt*, and reſolved to march into *England*, and make that the Seat of the War, pretending (as by their Declaration then emitted doth appear) that their Trade was block't up by *Engliſh* Ships; that in *England* and *Ireland*, *Scotiſhmen* were proceeded againſt for taking the Covenant, and the *Engliſh* Council had voted a War with them: wherefore, they ſaid, they were conſtrained to go into *England* with their Petitions, declaring they came not to invade *England*, but to avert the Invaſion of their Country, that was deſigned; adding, that they ſhould be ſo far from doing prejudice to any in *England*, that ſevere Juſtice ſhould be executed upon thoſe who took any thing in *England* without payment. And about this time *Ruthwen*, being for many months block't up in the Caſtle of *Edinburgh*, (ſo that Victuals and Ammunition were ſpent, his Water alſo failed, and moſt of his Souldiers died,) was forced to Capitulate, and render up the Caſtle to the Covenanters.

The *Scotiſh* Army enters *England.*

But not to ſtand too long on matters univerſally known, as ſoon as they entred *England*, the King by Proclamation declared them Traytors on the 22th of *Auguſt*: yet they went on, and when they came to the *Ford* of *Tine* at *Newburn*, ſome miles above *Newcaſtle*, they found it guarded by a Body of Foot, who had raiſed a Breſt-work near the River, and lay there to obſtruct their paſſage. Yet no ſooner did the *Scotiſh* Cannon begin to play, but they, ſtruck with Fear, threw down their Arms and run away; whereupon the General paſſed over with ſome Troops

An. 1640. Troops, and they were encountred by three Troops, commanded by *Wilmot*, whom after a little Diſpute they routed: their Officers were taken Priſoners, and ſome were killed. And after this the whole Body of the *Engliſh* Army, that lay there, marched to *Newcaſtle*, which conſiſted of 2000 Horſe, and 9000 Foot: the Diſorder among them was the greater, becauſe the Lord *Conway*, who Commanded, had gone that day from the Camp to Dine at a place about a miles diſtance called *Stella*. The *Scots* continued paſſing till it was late, and lay in the Fields all night: next day they marched towards *New-Caſtle*, and were beginning to be in ſome ſtrait; for they had driven as many Cattle out of *Scotland* with them, as ſerved hitherto for their Proviſion, and were reſolved to take nothing in *England* but for payment, which would have been a vaſt charge to them. They purpoſed therefore to ſummon *New-Caſtle*, and in caſe it yielded not, to threaten to burn all the Coaleries which lay on the South-ſide; though they deſigned not the executing of that, for fear of making the Rupture beyond remedy. But as they were marching, doubtful what Courſe to take, they met a *Scotchman*, who had been a priſoner at *Durham*; he told them, how that morning by ſix a Clock all the *Engliſh* Forces had marched throw *Durham* in great haſte; whereupon they went forward, and found *New-Caſtle* open to them, and there they took up their Quarters, and found great Magazins of Proviſion, which the King had laid in for his Army, and by thoſe they maintained their Army a great while.

The *Engliſh* Forces are routed, and flie at *Newburn*.

This Loſs and Affront went very near the Kings Heart, who begun to fear this years Succeſs, as much as he had done the laſt.

After this the Lords of the *Covenant* wrote the following Letter to the Earl of *Lanerick* by one *Cathcart*.

Noble Lord,

AS we have ever profeſſed and declared, as well by our Words as Actions, that the Grounds of our Deſires are, and ever ſhall be the redreſs of Wrongs and reparations of our Loſſes, and that we will never leave off in all humility to Supplicate His Majeſty for the ſame, ſo this hath moved us now, being come this length, yet again humbly to Petition His Majeſty to take our Caſe to Conſideration, and grant our Deſires. We are debarred from ſending or carrying our Supplications in the ordinary way, which makes us have our Addreſs to your Lordſhip, *Intreating your* Lordſhip *in our Names to preſent this our Petition herein incloſed to His Majeſty, and in all humility to beg an Anſwer thereunto, to be ſent with the Bearer to us, who ſhall ever endeavour to approve our ſelves His Majeſties Loyal Subjects, and moſt unwilling to ſhed any Chriſtian Blood, far leſs the* Engliſh; *whereof we have given very good prooff by our bygone Carriage to every one who hath with Violence oppoſed us, yea, even to thoſe who entred in Blood with us, and were taken Priſoners, whom we have let go with Meat and Money, notwithſtanding that all thoſe of ours, who did but deboar'd from their Quarters, are miſerably maſſacred by theſe whom we can tearm no otherwiſe than Cut-throats. Our behaviour to theſe in* New-Caſtle *can witneſs our Intention, which is to live at peace with all, and rather to ſuffer then to offend. We bought all with our money, and they have extortioned us to the triple value: the Panick fear made moſt of them leave the Town, and ſtop their own Trade; but we have ſtudied, to ſolve their doubts. As all our Actions ſhall ever tend to that which is Juſt and Right;*

Right, so we could wish, they were interpreted to a true sense; and whatever may be the event of business, we hope the blame shall not lie upon An. 1640.

Leader beside *New-Castle*, 2d. *September*, 1640.

Your Lordships affectionate Friends to serve you.

Signed,

Rothes,	Napier,	D. Hoom,
Cassilis,	Tho. Hope,	Keir,
Dumferline,	W. Richarton,	Ja. Sword,
Lindsay,	J. Swith,	J. Rutherford.
Lowdon,	P. Hepburn,	

POSTSCRIPT.

We intreat Your Lordship to let the Bearer have a Pass for his safe Return to us.

The Petition inclosed was presented by him to His Majesty, which follows.

To the Kings Most Excellent MAJESTY, The Humble Petition of the Commissioners of the late Parliament, and others of His Majesties Loyal Subjects of the Kingdom of *Scotland*.

They Petition the King.

Humbly Sheweth,

THat Whereas after our many Sufferings the time past, extreme necessity hath constrained us for our Relief, and obtaining our Humble and Just Desires, to come into England, *where according to our Intentions formerly declared, we have in all our Journey lived upon our own Means and Victuals, and Goods brought a-long with us, and neither troubling the Peace of the Kingdom, nor harming any of Your Majesties Subjects of whatsoever quality in their Persons or Goods, but have carried our selves in a most peaceable manner, till we were pressed by strength of Arms, to put such Forces out of the way, as did without our deserving, and (as some of them have at the point of death confessed) against their own Consciences, opposed our peaceable passage at* Newburn *on* Tine, *and have brought their Blood upon their own Heads, against our purposes and desires expressed in our Letters, sent unto them at* New-Castle, *for preventing the like, or greater Inconveniences. And that we may without further opposition come into Your Majesties Presence, for obtaining from Your Majesties Justice and Goodness satisfaction to our just Demands, we Your Majesties most Humble and Loyal Subjects, do still insist in that submiss way of Petitioning, which we have keeped since the beginning, and from which no provocation of Your Majesties Enemies and ours, no adversity that we have before sustained, nor prosperous success can befall us, shall be able to divert our minds.*

Most humbly intreating, That Your Majesty would in the depth of Your Royal Wisdom, consider at last our pressing Grievances, provide for the Repairing

An. 1640. *pairing of our wrongs and losses, and with the advice and consent of the Estates of the Kingdom of* England *convened in Parliament, settle a firm and durable Peace, against all Invasion by Sea or Land, that we may with chearfulness of heart pay unto Your Majesty, as our Native King, all Duty and Obedience that can be expected from Loyal Subjects, and that (against the many and great Evils, which at this time threaten both Kingdoms, whereat all Your Majesties good and loving Subjects tremble to think, and which we beseech God Almighty in mercy timeously to avert) Your Majesties Throne may be established in the midst of us, in Religion and Righteousness; and Your Majesties Gracious Answer we humbly desire, and earnestly wait for.*

The King having considered their Petition, commanded my Lord *Lanerick* to write the following Answer, Dated *at His Majesties Court at* York *the* 5th *of* September, 1640.

His Majesties Answer.

HIS Majesty hath seen and considered this Petition, and is Graciously pleased to return this Answer by me, that he finds it in such general terms, that till you express the Particulars of your Desires, His Majesty can give no direct Answer; therefore His Majesty requires, that you set downthe Particulars of your Demands with expedition, he having been always willing to hear and redress the Grievances of His People: and for the more mature Deliberation of these great Affairs, His Majesty hath already given out Summons for the Meeting of the Peers of the Kingdom in the City of York *upon the* 24th *of this Month, that so with the advice of the Peers you may receive such Answer to your Petition, as shall most tend to His Honour, and the Peace and Wellfare of His Dominions. And in the mean time (if Peace be that you desire, as you pretend) He expects, and by these His Majesty commands, that you advance no further with your Army to these parts; which is the only means that is left for the present to preserve Peace betwixt the two Nations, and to bring these unhappy Differences to a Reconciliation, which none is more desirous of than His most Sacred Majesty.*

Signed,
LANERICK.

With which he wrote this Cover.

My Lords,

ACcording to your Desires, I presented unto His Majesty in your names the Petition you sent me; whereupon His Majesty hath been Graciously pleased to command me to make this reference, which you shall receive herein inclosed, joined unto the Petition.

My Lords, by this you may see His Majesty is, as he ever was, willing to hear and redress the Grievances of His Subjects; and I pray God, you may take those Courses that may not too much incroach on the Goodness of so Gracious a Soveraign. This shall be the earnest Prayer of

York 5th Sept. 1640.

Your Lordships Servant,
LANERICK.

To this they returned the Answer that follows, which was sent by Sir *James Mercer.*

Right

An. 1639.

The Covenanters make a second Addreſs.

Right Honourable,

AS nothing in Earth is more deſired of us than His Majeſties favour, ſo doth nothing delight us more than that His Majeſty beginneth again to hearken to our Humble Deſires, wherein we truſt nothing ſhall be found but what may ſerve for His Majeſties Honour, and for the Peace of His Dominions. The Particulars we would have expreſſed, but that they are contained in the Concluſions of the late Parliament, and our Printed Declarations, which were ſent to your Lordſhip; but in caſe the Papers be not by your Lordſhip, we now ſummarily repeat them.

That His Majeſty would be Graciouſly pleaſed to command, that the laſt Acts of Parliament may be publiſhed in his Highneſs's Name, as our Soveraign Lord, with the Eſtates of Parliament convened by His Majeſties Authority; Next, That the Caſtle of Edinburgh *and other ſtrengths of the Kingdom of* Scotland, *may according to the firſt foundation, be furniſhed and uſed for our Defence and Security; Thirdly, That our Countrymen in his Majeſties Dominions of* England *and* Ireland *may be free from Cenſure for ſubſcribing the Covenant, and be no more preſſed with Oaths and Subſcriptions unwarranted by our Laws, and contrary to their National Oath and Covenant approved by His Majeſty; Fourthly, That the Common Incendiaries, who have been the Authors of this Combuſtion in His Majeſties Dominions, may receive their Juſt Cenſure; Fifthly, That our Ships and our Goods, with all the Damage thereof, may be reſtored; Sixthly, That the Wrongs, Loſſes, and Charges, which at this time we have ſuſtained, may be repayed; Seventhly, That the Declarations made againſt us as Traytors may be recalled, and in end, by advice and conſent of the Eſtates of* England *convened in Parliament, His Majeſty may be pleaſed to remove the Gariſons from the Borders, and any Impediment that may ſtop free Trade, and with their advice may condeſcend to all Particulars, which may eſtabliſh a ſtable and well-grounded Peace, for enjoying of our Religion and Liberties, againſt all fears of moleſtation and undoing from year to year, as our Adverſaries ſhall take the advantage. This Royal teſtimony of His Majeſties Juſtice and Goodneſs, we would eſteem to be doubled upon us, were it ſpeedily beſtowed, and therefore muſt crave leave to regrate, that His Majeſties Pleaſure concerning the Meeting of the Peers the 24th of this Inſtant, will make the time long ere the Parliament be convened, which is conceived to be the only mean of ſettling both Nations in a firm Peace, and which we deſire may be ſeriouſly repreſented to His Majeſties Royal thoughts; the more this time is abridged, the more able will we be to obey His Majeſties Prohibition of not advancing with our Arms, Our Actions, and whole comportment ſince the beginning of theſe Commotions, and eſpecially of late ſince our coming into* England, *are Real Declarations of our love, and deſire of Peace: nothing but invincible neceſſity hath brought us from our Country to this Place, no other thing ſhall draw us beyond the limits appointed by His Majeſty; which we truſt His Majeſty will conſider of, and wherein we hope your Lordſhip will labour to be a profitable Inſtrument, for the Kings Honour, the Good of your Country, and of*

Scots-Leager at New-Caſtle, Sept. 8th 1640.

Your Lordſhips humble Servants, and affectionate Friends,

A. Leſly,	Dumfermline,	Tho. Hope,	D. Home,
Rothes,	Lindſay,	W. Rickartoun,	Keir,
Caſſils,	Lowdon,	J. Smith,	Ja. Sword.
Montroſe	Napier,	P. Hepburn,	

An. 1640.

On the 24th of *September*, the Peers of *England* having met, the King by their Advice commanded his Secretary to write the following Letter.

My Lords,

The King appoints a Treaty.

According to His Majesties appointment, the most part of the Peers of this Kingdom of England *met here at* York *this day, where His Majesty did communicate unto them your Desires and Petitions; and because you do so earnestly press for a speedy Answer, His Majesty, with Advice of the Peers, hath nominated such a number of them for a Conference with you upon* Tuesday *at* Northallerton, *whose Names are underwritten. But withall if you shall think the time too short, and that with conveniency you cannot come so soon thither, if betwixt this and* Sunday *you do acquaint His Majesty therewith, he will take Order for the delay thereof, for one day or two.*

And that you may without all fear or danger of Detention, send such Persons unto the said Conference as you shall think most fit, if betwixt this and Sunday *you send hither the Names of these you mean to imploy, His Majesty will with all possible diligence return a safe conduct under his own Royal Hand, for them and their necessary Servants.*

His Majesty hath likewise commanded me to let you know, that upon your relieving of such Officers, and others of His Subjects, as are detained by you, he will return all such of yours as are his Prisoners, either here or at Berwick; *and hereafter resolves, that fair Quarters should be kept betwixt both Armies. Thus having imparted His Majesties Pleasure, I continue*

York, 24th of September, 1640.

Your Lordships Servant, *LANERICK.*

And now the King was in a great strait what to resolve on. Most of all the Peers advised a Settlement with *Scotland*, and a Parliament in *England*: *Strafford*'s Advice was more severe, and the Marquis pressed a Pacification. But though their Opinions varied, yet their Friendship continued, since both had the same designs for the Kings Honour and Service. A recruit of Money (which was beginning to run low) was not to be hoped without a Parliament, and their late experience told, on how uneasie terms that was to be had. Earl *Lowdon* also assured the Marquis by his Letters, that the Covenanters were well armed, well commanded, and very resolute, nor did they doubt of a strong Party in *England*; and therefore shewed, how dangerous it would prove to His Majesties Affairs, if a Treaty should not presently follow. The Marquis, little regarding how ill these Counsels would be represented by others, used all his Industry to prevail with the King for a Pacification on any terms; since none could be so bad, as the hazard the King was like to run, if matters continued so broken: for it was now apparent, how faintly His Majesties Forces did serve him, and with how much resolution the *Scotish* Armies proceeded; neither were they without fears in their own Army, and that many of the Peers, and People of *England*, would have assisted the *Scots*, if matters had run to extremities.

A Breach betwixt the Marquis and the Earl of *Montrose*.

But at that time a passage fell out, which drew after it a tract of great Troubles on the Marquis. The Earl of *Montrose* had in *July* that year, procured a Meeting of some Noblemen at *Cumbernwald*, the Earl of *Wigtons*

Wigtons houſe, where there was a Bond ſigned by them of adherence to one another in purſuance of the Covenant; and from *New-Caſtle* he continued to keep Correſpondence with His Majeſty, notwithſtanding an Act that had paſſed in the Committee, that none ſhould under pain of Death write any Letters to the Court, but ſuch as were ſeen and allowed of by at leaſt three of the Committee. But this Correſpondence of my Lord *Montroſe* came to the knowledge of the Covenanters, and there were ill Inſtruments who ſuggeſted, that this Advertiſement muſt have been given by the Marquis, which being too eaſily believed, occaſioned a Breach betwixt them that could never be made up. And *Sanderſon* hath had the Impudence not only to faſten this on him, but as if there had not been Imputation enough in it, he adds that the Marquis had in the night picked His Majeſties Pockets for his Letters. Indeed he needed not take ſuch Courſes, had he been capable of that Treachery; for the Kings Confidence in him was ſuch, that he delivered all the Letters he had from *Scotland* to his keeping, and if he had deſigned ſuch a thing upon *Montroſe* it was in his Power to have done it long before: for in *October* and *December* of the former year, *Montroſe* had writ much in the ſame ſtrain to the King; which Letters the King gave him, and are yet extant, but were never heard off, till now that the Writer gives this account of them. But the way how that Letter was diſcovered was this: the Covenanters ſent Sir *James Mercer* to *York*, with their Letters to my Lord *Lanerick* of *September* the 14th. with whom my Lord *Montroſe* ſent his Servant with Letters to ſome of his Friends at Court; and theſe Letters had been ſhown to the Committee: but as he ſealed them up, he put within one to Sir *Richard Grahame* a Letter to the King, which had not been ſeen; and Sir *Richard* opening his Letter careleſly, the incloſed to the King dropt out: whereupon Sir *James Mercer* being near him ſtooped down in civility to take up the Letter, and read the Direction of it; and he returning next day to the *Scotiſh* Camp, told what he had ſeen to the General, who (in a Committee, that ſate that afternoon wherein it was my Lord *Montroſe's* turn to preſide) ſaid, that the Gentleman they had ſent muſt be examined concerning any Letters he carried to the Court; and ſo he was called in, and examined. But *Montroſe* underſtanding that his Correſpondence with the King was diſcovered, ſaid, that ſeeing others kept a Correſpondence with the Court, he knew not why he might not do it as well as they: it was anſwered, if others were guilty that did not excuſe his fault, but when that could be made out againſt any, they were liable to the ſame Cenſure he had now incurred; whereupon he was commanded to keep his Chamber, and he called a great many of his Friends to him, to try who would adhere to him: whereupon the General bade the Earl of *Calender*, who was then Lieutenant-General, tell him, that if he came not, and ſubmitted himſelf, he would hold a Council of War upon him, and proceed againſt him Capitally. Upon this my Lord *Montroſe* came, and produced a Copy of the Letter, he ſaid he had written, and craved pardon, and ſo this Matter was paſſed over: but it was ſuſpected, that his Letter had been ſent to the Covenanters by the Marquis; whereas indeed they knew no more of his Letter, but what they had from Sir *James Mercer*, who read the Addreſs of it, and ſo they knew not what was in it, but by the Copy he produced. Yet this went current for the Marquis his Treachery, though Sir *James Mercer* did often vouch the truth of this before many Witneſſes, and par-

An. 1640.

An. 1640. particularly to *Sanderſon* himſelf before Noble Witneſſes, who acknowledged his Miſ-information, and promiſed to expunge that in the next Edition of his Book; though there are no grounds to fear, the World will ever be troubled with another Edition of ſo ill a Book.

The Treaty at *Rippon.* In the end of *September* a Treaty was agreed upon, and His Majeſty named the Marquis and my Lords of *Traquair* and *Lanerick*, to be amongſt the Commiſſioners, who ſhould Treat in His name. But the Covenanters excepted againſt the Marquis and *Traquair*, whom they intended to purſue as Incendiaries, and therefore they could not Treat with them; as for *Lanerick* they had nothing to faſten on him. Upon this the King reſolved to ſend none but *Engliſh* Lords, conceiving it not fitting to ſend any *Scotchman*, if the perſons he had imployed as Commiſſioners were not of the number.

Rippon a little Town fifteen miles from *York*, was appointed to be the place of Treaty inſtead of *Northallertown*, and the King ſent the *Engliſh* Lords thither, appointing *Traquair* and *Lanerick* to wait upon them, for giving them Information of *Scotiſh* Affairs; but he kept the Marquis to wait upon Himſelf. The Treaty begun at *Rippon*, and after a few days, by reaſon of the new Parliament the King had ſummoned againſt the beginning of *November*, was removed to *London*. The Covenanters Demands were the ſame with thoſe contained in their Letter of the 8th of *September*, about which they continued Treating till the *June* of the next year; and ſo this year ended.

But here I ſhall inſert a Paper, all written with His Majeſties hand, which though it do not relate to *Scotiſh* buſineſs, yet I judged it a crime to let any of the Reliques of that Princes Pen periſh. How it came into the Marquis his hand, I know not; it is an Anſwer to a Remonſtrance, ſent to the King by the Two Houſes at *Weſtminſter*, in the end of this year.

I Having taken to my ſerious Conſideration the late Remonſtrance made to me by Both Houſes of Parliament do make this Anſwer.

I take in good part your care for the Preſervation of the true Religion eſtabliſhed in this Kingdom, from which I will never depart; as alſo for your tenderneſs of my own Safety, and ſecurity of this State and Government.

It is againſt my mind that Popery or Superſtition ſhould any way increaſe within this Kingdom, and I will reſtrain the ſame by cauſing the Laws be put in due execution. I reſolve likewiſe to provide againſt the dangers of Jeſuites and Prieſts, ſetting forth a Proclamation with all ſpeed, commanding them to depart the Kingdom within one month, whereof if they fail or ſhall return, then they ſhall be proceeded withall according to the Laws.

Concerning Roſettie *you muſt underſtand, that my Wife hath always aſſured me, that (to her knowledge) he hath no Commiſſion, but only to entertain a perſonal Correſpondence betwixt Her and the Pope, of things requiſite for the exerciſe of Her Religion, which is warranted.*

warranted to Her by the Articles of Our Marriage, which give Her a full Liberty of Conſcience; yet I have ſo perſwaded Her, that (ſince the miſunderſtanding of this perſon's Condition gives offence) She will within a convenient time remove him. Moreover, I will take ſpecial care to reſtrain my Subjects from reſorting to Maſs at Denmark-houſe, St. James's, *and the Chappels of Ambaſſadours.* An. 1640.

Laſtly, concerning John Goodman *the Prieſt, you muſt know the reaſon why I reprieved him, is, that (as I am informed) neither Queen* Elizabeth, *nor my Father, did ever avow that any Prieſts in their times were executed meerly for Religion, which to me ſeems to be this particular caſe; yet ſeeing that I am preſſed by Both Houſes, to give way to his Execution, (becauſe I will avoid the inconvenience of giving ſo great a diſcontentment to my People, as I perceive this Mercy may produce) I remit this particular Cauſe to Both Houſes: but I deſire you to take into your ſerious Conſiderations the inconveniences, which (as I conceive) may upon this occaſion fall upon my Subjects, and other Proteſtants abroad, eſpecially ſince it may ſeem to other States to be a Severity with ſurprize; which I having thus repreſented to you, think my Self diſcharged, from all ill conſequences that may enſue upon the Execution of this perſon.*

Anno 1641.

THe Marquis (notwithſtanding all the malice he knew ſome of his Country-men bore him) did not ſlacken his endeavours to bring things to a final Settlement; and the high language which was now ſpoken at *Weſtminſter*, furniſhed him with too ſtrong Reaſons, for enforcing the neceſſity of agreeing with the Covenanters. At length the King weary of contending ſo much, reſolved to yield to moſt of their Demands. *An.* 1641. The King yields to all the Demands of the Covenanters.

For the firſt of publiſhing their Acts, though it was contrary to the practice of *Scotland*, to hold a Seſſion of Parliament, unleſs the King were preſent by himſelf or his Commiſſioner: yet it was repreſented, that was but a point of Form; for as they Sate by the Kings Summons, ſo they did not pretend their Votes were Laws without the Kings Ratification; and their Sitting in this manner (though diſorderly) could not be ſo derogatory to the Kings Authority, as at firſt view appeared; ſince it was the conſtant practice of the Two Houſes in *England*, to Sit and Vote in the Kings abſence. The King was willing all theſe Acts ſhould be of new voted, promiſing his Royal Aſſent to them; but they were ſtiff, and the King yielded. For the Reparation of Loſſes, the King remitted them to the Two Houſes, who conſidered their Accompts, and gave them a large Brotherly Aſſiſtance.

For the diſpoſal of the Caſtles, the election of the Councellours, Officers

An. 1641. Officers of State and Judges, which the Covenanters desired should be done with Advice of Parliament, they went very harshly down with the King. But they alledged divers old Laws for their Demands, which seemed now necessary to he revived, since His Majesty was so seldom in *Scotland*. The Kings great apprehension of this was, that it would give a Copy to *England*, for making the like Demands: to which it was answered, that the Kings residence in *England* made the case to differ vastly; the *Scotish* Lords engaging upon their Honour, to declare (in case the Two Houses should make the like Demands) they were unreasonable in so doing.

In a Word the King granted all they demanded, only he thought it unjust, and unreasonable to grant an Indempnity to the other Party, and let his Friends be secluded from it; wherefore he pressed nothing so earnestly, as that the Oblivion might be without exception: and the List of those who were summoned upon the pretence of being Incendiaries, was so great, that he thought to abandon so many of his Faithful Servants to the violence of the Times was so dishonourable, that he could not answer for it, neither to God nor man. The Covenanters, to yield somewhat, reduced their great number to five persons, who were the Earl of *Traquair*, the Bishop of *Ross*, Sir *Robert Spotswood*, Sir *John Hay*, and Doctor *Balcanquell:* but the King thought he could not yield to that Demand, were there but one excepted; and told them, that though he had better Grounds to pursue some of themselves as Incendiaries, yet being willing to dispense with these his Resentments, he had reason to expect the same Condescendency from them. But they pretended their Bond and Oath for prosecuting of them; and though it was told them, that an ill Oath was worse kept, yet they were stiff; and the temper found, was, that their Processes should go on, but their Censure should be remitted to the King, and that the *Scots* should be satisfied with his Assurance, that he should imploy them no more in *Scotish* Affairs without consent of Parliament.

And thus all things were agreed on, and His Majesty determined to go in Person to *Scotland*, to settle matters there; but at this time the *Scotish* Commissioners began to Cabal with the Male-contents in the Two Houses, and in particular concurred with them in the pursuit of the Earl of *Strafford*. The Friendship betwixt the Marquis and that Gallant man, had been great and intire: and as his Testimony in those matters about which he was examined was among the Evidences *Strafford* had in his Defences; so his Confidence in the Marquis did appear by the following handsome Letter he wrote to him a few days before his Death.

May it please your Lordship,

Hitherto I judged it not fit to endanger your Lordship by any Intelligence betwixt us, which might have turned much to your prejudice, in a time when the World is in so much mis-understanding of me; but now be your Lordship pleased, to admit me to resort to your noble Expressions and former Friendship, that I may carry forth of the Court with me the belief and tokens of it.

It is told me, that the Lords are inclinable to preserve my Life and Family, for which their generous Compassions, the great God of Mercy will reward them: and surely should I die upon this Evidence, I had much rather be the Sufferer than the Judge.

All

All that I ſhall deſire from your Lordſhip is, that deveſted of all Publique Imployment, I may be admitted to go home to my own private Fortune, there to attend my own Domeſtick Affairs, and Education of my Children, with as little aſperity of words or marks of Infamy, as poſſibly the Nobleneſs and Juſtice of my Friends can procure for me, with a Liberty to follow my own occaſions, as I ſhall find beſt for my ſelf. An. 1641.

This is no unreaſonable thing I truſt to deſire, all conſidered that may be ſaid in my caſe, (for I vow my fault that ſhould juſtly draw any heavy Sentence on me, I yet do not ſee:) yet this much obtained will abundantly ſatisfie a Mind haſting faſt to quiet, and a Body broken with afflictions and infirmities. And as I ſhall take my ſelf highly bound to any that ſhall further me therein, ſo I more particularly deſire to receive an obligation therein from your Lordſhip than from others, as being purpoſed in the truth of my former Profeſſions, to expreſs my ſelf

Your Lordſhips humbly
to be Commanded,

Tower, 24th of April,
1641.

STRAFFORD.

But ſince all His Majeſties moſt vigorous Interceſſions were not able to preſerve that Great man, it is not to be imagined, any good Offices done by meaner perſons could ſucceed; yet the Marquis acted in it with Great Candor and Friendſhip: but that preſerved him not from being ſuſpected, of having adviſed the King to conſent to *Strafford*'s Death; and for his Vindication, I ſhall only refer the Reader to his own words, in the Speech he delivered the morning before he died, to be inſerted in its proper place.

The *Scotiſh* Biſhops who were now at *London*, thought themſelves undone, and complained of the Marquis as the cauſe of their Ruine; and yet he had been careful, to get them all either provided with Places, or relieved with the Kings Money, ſo that all of them in their Letters to him acknowledged him to be their only Patron, about the King. *Traquair* was worſt pleaſed of any, and complained that the Marquis had oppoſed the Article of Incendiaries till his own Name was daſhed out, and then had deſerted the reſt; but his Name was not ſtruck out alone, *Huntley*'s, and many others being daſhed out with him: beſides, the prejudice of that Proceſs, was only to be put out of Imployment in *Scotland*, by which the King was engaged in Honour to make up that loſs another way, wherein the Marquis engaged to ſerve him faithfully. Others of the Court who hated and envied him, were glad to find colours of Cenſure in any of his Actions, and it was loudly talked, that the King was now to part with his Crown of *Scotland* with his own hands, by granting Conceſſions ſo derogatory from Kingly Authority: but the King, who underſtood his own Affairs better than any of theſe Cenſurers, ſaw the neceſſity of ſettling with *Scotland* immediately. For the Marquis repreſented to His Majeſty, that though thoſe Acts did very much diminiſh his Authority; yet the *Scotiſh* Parliament, being governed but by a few Heads, who influenced the reſt, there was no doubt but the gaining of the Leading-men, might ſo prepare things, that ere a few years went about all might be brought to a greater Temper: for the King was firmly reſolved to make good what he now promiſed, and never to violate theſe Conceſſions, unleſs he could get them reſcinded in Parliament.

Many complain of the Marquis.

And

An. 1641. And let me once for all ſay freely, this was the great Meaſure of all the Marquis his Counſels about *Scotland*, that (except when he ſaw at the beginning, as hath been ſaid, that the Kings Intereſt and Honour required, his utmoſt Reſentments, and that a forcible Redreſs ſeemed not improbable, and promiſed ſucceſs) way ſhould be given to the preſent heats for ſome time, in hope of recovering of them by ſuch Conceſſions: and in purſuance of this deſign *Rothes* was much careſſed by the King, and intirely gained; but as he was recovering to his Duty, he was overtaken by ſickneſs, of which he died at *Richmond*, and was much regrated both by thoſe of the Court, and the Covenant, being a man of great Abilities and much Honour.

The Earl of *Rothes* is gained, and ſoon after dies.

In *June* the Earl of *Dumfermline* and *Lowdon* were ſent from *London* to *Scotland* with the Articles of the Treaty, and a deſire that the Parliament there might yet be prorogued for ſome time, ſince the Affairs of *England* put a ſtop to the Kings preſent Journey. They alſo carried down a Submiſſion from *Traquair*, and were to deal, that the Acceptance of it might ſtop the further agitation of the Purſuit againſt him.

All this while there had been divers Meetings of Parliament in *Scotland*; but by reaſon of the dependence of the Treaty, they were ſtill prorogued. Their greateſt buſineſs was to prepare the Proceſs againſt the Incendiaries, both the Preſident *Spotſwood*, and the Clerk of Regiſter *Hay*, being Priſoners in the Caſtle of *Edinburgh*, ſince the former Winter. The Covenanters required the Kings Advocate to concur with them, according to his Place, which obliged him to aſſiſt in the Purſuit of all Publick Crimes; but *Lanerick* in the Kings Name commanded him to deny his concurrence, and this made much ado; as alſo in all the Kings Orders for proroguing the Parliament, mention was made of my Lord *Traquair* as Commiſſioner, againſt which they always proteſted. But at this time the Parliament would not conſent to Prorogue of new, only they declared they ſhould be preparing matters, and not go on to the Determining any thing before the middle of *Auguſt*, againſt which time the King purpoſed to be in *Scotland*. As for *Traquair's* Submiſſion, it was rejected, and many begun to complain aloud, that whereas they ſigned a Bond to proſecute the Incendiaries, yet many were diſpenſed with; and much pains was taken by diſtinctions to ſatisfie their Conſciences, that they meant not to ſet up an Inquiſition by that Oath, and that it was only meant of thoſe that were declared and avowed Incendiaries: but others ſaid that the words were general, and tied them without reſpect of perſons to purſue all equally.

The Parliament of *Scotland* is oft prorogued, but goes on with the Proceſs againſt Incendiaries.

At this time there was a Gentleman ſeized at *Broxmouth* with Letters to my Lord *Montroſe*, which diſcovered a new Correſpondence of his with the Court, for my Lord *Traquair's* Preſervation: and with this the ſtory of the Bond ſigned the former year at *Cumbernald* broke out; upon which he, and ſome of his Friends, were committed cloſe Priſoners to the Caſtle of *Edinburgh*, and were called *Plotters*.

The Earl of *Montroſe* is made Priſoner for correſponding with the Court.

On the 12th of *Auguſt* the King came to *Scotland*, accompanied by the *Prince Elector* who came along with him, to ſee what Aſſiſtance he might expect from the *Scotiſh* Parliament. The King, to pleaſe the *Scotiſh* Clergy the more, appointed Mr. *Henderſon* to wait upon him while he ſhould be in *Scotland*, and to provide Preachers for him, being reſolved to conform himſelf to the *Scotiſh* Worſhip while he was among them.

The King comes to *Scotland*.

The

The Parliament at firſt Voted that all the Members ſhould ſubſcribe the Covenant, which was done by all; only the Duke of *Lenox* took a few Days to adviſe, after which he came and ſubſcribed with the reſt. Moſt differences had been ſettled at *London*, but the matter of the *Incendiaries* and *Plotters* was that at which things ſtuck long, and occaſioned the Kings ſtay in *Scotland*. Many cenſured the Marquis, as not concerning himſelf ſo much for thoſe perſons as became him; and becauſe he in proſecution of the Deſign the King had laid down, took much Pains on the Earl of *Argyle*, it was ſaid, he was courting the Kings Enemies and neglecting his Friends. But he judged the great Deſign of Settling the King with the Country, was to be prefered to all private Intereſts; and his brother following his Method, ſhared with him in the ſame Jealouſies, though not to ſo high a degree. But His Majeſty knew the Marquis too well to be eaſily moved with theſe Whiſpers; therefore in one of his Speeches in Parliament He declared, *That the Marquis had carried himſelf as a faithful Subject and Servant in all his Employments, during theſe Troubles, and as one that deſigned the Good and Happineſs of his Country:* upon which the King gave his Aſſent to the following Act of *Parliament*. *An.* 1641. All the Members of Parliament ſubſcribe the Covenant.

The Marquis is vindicated by the Parliament:

IN the Parliament holden at Edinburgh, *in this Seſſion thereof holden the laſt day of* September, *the year of* 1641 *years, this Act following was made by the King and Eſtates, whereof the Tenour follows.*

Whereas there have been certain ſcandalous words ſpoken of the Marquis of Hamilton, *tending to the prejudice of his Honour and Fidelity to His Majeſty and his Country, which are now acknowledged by Henry* Lord Ker, *Speaker thereof, in preſence of His Majeſty and Eſtates of Parliament, to have been raſh and groundleſs, for the ſpeaking whereof he is heartily ſorry; and ſince His Majeſty and the Eſtates of Parliament know it to be ſo. Therefore His Majeſty, and Eſtates foreſaid, declare the ſaid Marquis of* Hamilton *to be free thereof, and eſteem him to be a Loyal Subject to His Majeſty, and faithful Patriot to his Country: and the ſaid Eſtates remit the further Cenſure of the ſaid Lord* Ker *to the Kings Majeſty. Extracted out of the Records of Parliament by me Sir* Alexander Gibſone *younger of* Dury, *Knight, Clerk to his Highneſs's Regiſter and Rolls, under my Sign and Subſcription manual.*

Alex. Gibſone Cl. Reg.

yet he loſeth ground with the King.

The Marquis had often heard that his Enemies had Deſigns upon him, and he repreſented what he heard to the King, but acknowledged he had it only by Whiſpers; and thus matters went on till the 11th of *October*. Yet all this while the Marquis was inſenſibly loſing ground with the King; for the perpetual Whiſpers of his Enemies could not chooſe but make ſome impreſſion, being ſpecious, though forged grounds of Jealouſie, cunningly contrived, and managed with great aſſiduity, art, and malice.

Lanerick alſo found the Kings Countenance beginning to change towards him, whereupon he aſſumed the freedom to ask His Majeſty, if he judged that he had been capable ſo far to forget his particular Favours to himſelf, (who from nothing had heaped both Fortune and Honours on him) as to do any thing might merit the change he ſaw in him;

An. 1641. him: the King anſwered, He believed he was an honeſt man, that he had never heard any thing to the contrary, but that his Brother had been very active in his own Preſervation. This made *Lanerick* look the more narrowly to his Brothers Actions, to ſee if he could diſcover, whether in any thing he had ſtudied to preſerve himſelf, by prejudicing the King; but in a long Account of that buſineſs, which I have under his hand, he proteſted that the nearer he looked he diſcovered in him the greater Fidelity and Affection to his Maſter. It is true, the King met with great Oppoſition in *Scotland* in the matter of the *Incendiaries* and *Plotters*; and it was repreſented that the Marquis and his Brother might have made it leſs, which perhaps left ſome Impreſſions on His Majeſty; but having it ſo often under both their hands, That might their Souls periſh, if they left any thing undone that was in their power, to get a Compliance to the Kings Deſires from the Parliament, I muſt believe this Oppoſition flowed from the Diſtempers of that Time.

But about the middle of *October*, an odd paſſage fell in, which for its not being expected, was called the *Incident*. A Gentleman, not known to the Marquis, brought him and the Earl of *Argyle* the Diſcovery of a Plot, he ſaid, was laid for their Lives, and the Earl *Lanerick's*; which he ſaid he could juſtifie by one Witneſs, who was invited to the execution of it. He told alſo a long formal Story of the perſons were to be Actors, of Time, Place, and Manner, and ſaid it was to be executed that very night. This the Marquis carried to the King without naming Particulars, which could not be done ſafely by the Law of *Scotland*, ſince he had but one Witneſs to prove them by. The King deſired him to examine the thing to the bottom, and bring him what further Evidence he could find. In the Evening other Preſumptions were brought to the Marquis, but no clear Evidence, and the matter was got abroad, and in every bodies mouth; ſo that all who depended on theſe Lords came about them in great numbers: and thoſe on whom the Deſign was faſtened, gave out it was a Forgery to make them odious, and gathered alſo together. The Marquis hearing this, did not ſtir out of doors, leſt ſome of their too officious followers had raiſed Tumults; and next day in the Evening, he with the Earl of *Argyle* and his Brother, and half a dozen Servants, went out of Town to his Houſe of *Keneel*, twelve miles from *Edinburgh*, and ſent his excuſe to His Majeſty, with the true account of the Reaſons that moved him to do what he had done. Upon this many Diſcourſes went about, People of all ſides paſſing conſtruction as they were affected; but the Parliament took the whole matter into Conſideration. Thoſe who had given the Information, owned what they had ſaid, and thoſe on whom the Plot was fixed, did as poſitively deny all: ſo that no clear Proof being brought, the Parliament could come to no other Deciſion, but that the Lords had good reaſon to withdraw themſelves; and ſo they were invited to return to their place in Parliament. This was a tedious buſineſs, and put a great ſtop to the Settlement betwixt the King and the Nation; but further Particularities are thought needleſs to be ſet down, ſince this Matter vaniſhed no effect following on it.

But he is again in His Majeſties favour.

The Marquis quickly recovered his former room in the Kings Affection, ſo that there remained not ſo much as a veſtige of this croſs Adventure. Things in *Scotland* took preſently a Settlement, and thoſe

who

were called *Plotters* and *Banders* (after examination, and a delivering up of their Bond, which was burnt by the hand of the Common Hangman) were ſet at Liberty, after ſome time of further Reſtraint: but the Proceſs of the alledged Incendiaries was to go on, yet they were to enjoy their Liberty, and undergo no other Cenſure but the loſs of Publick Imployment; which though yielded at *London*, was long reſiſted in *Scotland*, they pretending their Oath to bring them to condign Puniſhment. *An.* 1641.

But as the King was going on with the Settlement of one Kingdom, he got the ſaddeſt News that ever were heard out of *Ireland*, of the deſperate Rebellion and Maſſacre had broken out there; whereupon His Majeſty recommended to the Parliament of *Scotland*, the Relief of his oppreſſed Proteſtant Subjects in *Ireland*, which they undertook very willingly. But becauſe of the intereſt *England* had in *Ireland*, Commiſſioners were appointed to Treat with the Parliament of *England*, for Concluding a Peace betwixt the two Nations, and Settling of Trade, and particularly about the Terms upon which they ſhould engage in the War of *Ireland*: and ſo about the middle of *November*, the King, having granted to the *Scotiſh* Nation all they could demand, ended the Parliament there, and returned to *London* about the end of that month. But before the Marquis left *Scotland*, he by the Kings particular Command, entred in a cloſe Friendſhip with *Argyle*, conſidering that, beſides the great Power of that Family, his Intereſt with the Clergy and Covenanters was ſuch, that none could be ſo uſeful to His Majeſties Service as he. And this Friendſhip was to be twiſted cloſer by a Bond of a near Alliance betwixt their Children. But from all the Letters that paſſed betwixt them, (yet to be ſeen) it is as clear as can be, that all the Marquis his deſign in this Friendſhip was for the Kings Service, and that all that time *Argyle* expreſſed a hearty concurrence in it. To gratifie the Covenanters the more, the King had created him a Marquis: *Lowdon* was alſo made Chancellor, *Leſley* Earl of *Leven*, and *Lindſay* put in a fair way to be Treaſurer, *Traquair* being turned out. The Rebellion breaks out in *Ireland*.

The King at his return to *London*, found the Edge he had left on ſome of their ſpirits was no way blunted, but growing into more ſharpneſs. When the Marquis was in *Scotland*, a Member of the Houſe of Commons, laying out their Grievances, among other things inveighed againſt Monopolies, and ſpoke ſo plainly, that all underſtood he meant the Marquis, as a Perſon that deſerved to be accuſed, as well as either *Strafford* or *Canterbury*; but others of that ſame Cabal took him up ſharply. And now upon the Kings return, his Enemies finding their deſigns againſt him could not take with the King, in whoſe Favour he was as much as ever, they took a ſtrange Courſe to deſtroy him; which was to ſet on ſome Members of the Houſe of Commons to accuſe him, as the Incendiary betwixt *England* and *Scotland*, who had engaged *England* into all that Expence; who had alſo invited the *Scots* to march into *England*, and had been always the third in *Strafford*'s and *Canterburie*'s Counſels; who had adviſed the Diſſolving of the former Parliament, and had oppreſſed the Subjects by the grants of many Monopolies which he had. This was ſmelled out even by ſome of the ſame Cabal, who perſwaded their Friends to deſiſt; ſhewing them, That for his Carriage betwixt *England* and *Scotland*, an Oblivion was paſſed in the late Treaty, which was ratified by the Parliament of *England*; That for other things, though his The King returns to *London* where he finds matters worſe.

An. 1641. Engagement in the Court had carried him along to ſome extreme Counſels; yet they ſaid, it was well enough known, how moderate his Inclinations were, how great an Inſtrument he had been in the late Settlement of *Scotland*, and how much he was hated upon that account; and that this was a deſign to deſtroy him, either out of malice, or becauſe ſome feared his moderate Counſels in *England*, as much as they hated them in *Scotland*. This ſeems to have flowed from the Friendſhip which divers of the Leaders in the Houſe of Peers had for him, whom he had often obliged; and as they were not unſenſible, nor forgetful of his good Offices, ſo they ſeem to have had a particular kindneſs for his Perſon. And while he was in *Scotland*, he kept Correſpondence with *Mandevil*, *Eſſex*, and others, and chiefly with the Lord *Say* and *Seale*; but all their Letters ſhew that his greateſt buſineſs with them, was to prepare them to a better Correſpondence with the King.

But when the Marquis ſmelled out the deſign againſt him, he gave the King an account of it; and told him, that if His Majeſty intended to go on in his Affairs in a Kingly way, he would wait on his Commands, and expoſe himſelf to the diſpleaſure of the Houſe of Commons: but if His Majeſty intended to ſettle Matters by an abſolute Compliance with the Parliament, then he conceived it was fit, that his Servants ſhould uſe their endeavours for their own Preſervation, that ſo they might be afterwards uſeful to his Service: yet he ſaid, he would do nothing for himſelf, but by His Majeſties Allowance and Direction (being it is like taught more caution by the Jealouſies had been taken from his care of vindicating himſelf in the Parliament of *Scotland*.) The King upon this allowed him to uſe all means for his own Preſervation, which he ſo managed that the deſigned Accuſation came to nothing. This particular His Sacred Majeſty vouchſafed to tell the Writter, adding, that he had it from the Queen His Mother.

Anno 1642.

An. 1642. THe Tumults and Diſorders about *Whitehall* and *Weſtminſter* roſe to that height, that the King withdrew to *Windſor* in the beginning of the year. The *Scotch* Commiſſioners continued Treating about their engaging for *Ireland*, which the King preſſed forward very earneſtly: but ſome of the Commiſſioners begun to tamper with thoſe who were moſt oppoſite to the Court in the Two Houſes, and in ſtead of Moderating them, were inſtigating them to perſiſt in their Demands about Religion, to get Epiſcopacy brought down, and Preſbytery ſet up. To the firſt of theſe moſt aſſented, but few were cordial for the latter. In order to this on the 15th of *January*, the *Scotiſh* Commiſſioners ſeconded the Deſires of the Two Houſes with a Paper, which they preſented to the King, on that Subject, and afterwards Printed it.

The *Scots* Commiſſioners animate the Houſes to preſs the change of the Laws about Church-Government,

The King was highly diſpleaſed, that they were not ſatisfied with the Oppoſition they made him in *Scotland*, nor with the Conceſſions he had granted them there; but were now come to foment Troubles in *England*. It was not long ſince they made loud Complaints againſt the deſigned Uniformity with *England*, and the Intereſt the *Engliſhmen* had in managing the Affairs of the *Scotiſh* Kirk; and would they now act

with which the King was highly diſpleaſed.

act that part which they had condemned in others? They could not alledge that againſt Epiſcopacy in *England*, which they pretended in *Scotland*, that it had never been fully nor clearly ſettled in it, or that the ſtream both of Clergy, and Laity, had run croſs to it: the contrary of all that was clear in *England*, where Epiſcopacy was deeply rooted in their Law. And ever ſince the Reformation, for eighty years together, the Church of *England* had flouriſhed under Epiſcopacy; ſo that it was the wonder and envy of the World, till of late that ſome *Browniſts*, and other Sectaries, begun to diſturb its quiet. They knew, he declared the Grounds on which he diſpenſed with Epiſcopacy in *Scotland*, were not from his own Judgement about it, but meerly to comply with their Averſion to it; but the caſe was very different in *England*. All this he ſaid for giving them ſatisfaction, and it is the ſum of what he repeated afterwards upon the like occaſions. But in the end he told them, their Commiſſion was not to mediate betwixt him and the Two Houſes, and therefore on the 19th of *January*, he ſigned the following Order to *Lanerick*. *An.* 1642.

CHARLES R.

The King forbids their doing ſo any more,

WE have thought fit to require you to repair to the Commiſſioners from Our Parliament of Scotland, *and let them know, that We expected before they ſhould have intereſſed themſelves, in any manner of way, betwixt Us and Our Parliament of* England, *they would (according to Our Deſire expreſſed to them by Our Letter of the* 13th *of this Inſtant) have acquainted Us with their Reſolutions in private, aud that for the time coming We are very confident (out of the reſpect due to Us from them, and their earneſt Deſires to ſhun Miſtakes and Diſputes) they will no way engage themſelves in theſe preſent Differences, without firſt they communicate their Intentions with Us in private, whereby all Jealouſies and Suſpicions may be removed, and they better enabled to do Us Service.*

Given at Our Honor of *Windſor*, the 19th. of *January*, 1641.

Directed,

TO Our Right Truſty, and Right well-beloved Couſin and Councellor, the Earl of Lanerick, *Our Secretary for* Scotland.

After this the King ſent Mr. *Mungo Murray* to *Scotland*, with Complaints of the Commiſſioners, ſignified by the following Letter to the Chancellor.

Right Truſty and right well-beloved Couſin and Chancellor, We Greet you well.

and complains of them in his Letters to *Scotland*.

AS it hath been alwaies Our care and Study to have a right Underſtanding betwixt Us and Our Subjects of Scotland; *ſo nothing can joy Us more than to hear the effects thereof to be ſuch, as that they in peace and quietneſs enjoy the benefit of Our Courts of Juſtice; and that under Our Government they reap the fruits of thoſe ſound and wholeſome Laws, eſtabliſhed in that Kingdom by Us, and Our Predeceſſors, for their good and happineſs.*

We cannot but take kindly from you, your repreſenting unto Us the Miſeries and Afflictions, to which Our good Subjects of Ireland *are reduced, through the*

An. 1642. *the inhumane and unheard-of Cruelties of the Rebels there. We on Our part have left nothing undone, which We thought could expreſs how ſenſible We are of their Sufferings: but the preſent Diſtractions of this Kingdom do both delay the ſending of thoſe neceſſary Aſſiſtances and Supplies, which they ought to expect from hence, and prolong the Treaty with Our Commiſſioners of* Scotland; *ſo that if ſome extraordinary Courſe be not taken for their preſent Supply, it is not like their Miſeries will end ſooner than their Days. The Conſideration whereof induceth Us to require you to move Our Council, that theſe Forces, that are already on foot in* Scotland, *may be preſently ſent over thither, and We will oblige Our Selves to ſee them readily and punctually paid by this Parliament; which if they ſhall refuſe to do, We will engage Our own Revenues, rather than delay ſo good and neceſſary a Work: to which purpoſe, We ſhall iſſue forth ſuch Commiſſions, and give ſuch Warrants under Our great Seal of* England, *as Our Council of* Scotland *ſhall think neceſſary for their Service, and grant all ſuch their Deſires for the advancement of this Work, as in reaſon can be demanded from Us; and therefore do require you, with all poſſible diligence, to return Us their Reſolutions herein, which We are confident, will be ſuch as will teſtifie their Reſpect to Us, and Affection to their diſtreſſed Brethren in* Ireland.

And now We are confident, We ſhall not need to remember you of thoſe Dutiful expreſſions of Reſpect and Fidelity you made to Us at Our late being in Scotland: *for the ſame Affection which produced thoſe expreſſions, will induce you to make them good by your Actions. We remember well, you expreſſed your readineſs to hazard both Life and Fortune, for the maintenance of Our Temporal Power; and even in matters Eccleſiaſtick, though you wiſhed Uniformity therein betwixt the two Nations, yet you would not intereſt your ſelves in theſe Differences, further than ſhould be with Our knowledge and good liking. We wiſh Our Commiſſioners of* Scotland *had taken that Courſe, and not meddled, nor offered to mediate betwixt Us and this Parliament, before they had firſt made their Intentions known unto Us in private, according to Our expreſs Deſire; nor made their private Advice publickly known unto Both Houſes, which is now in Print. We did conceive the Intention of the Commiſſion granted them by Us in Parliament, was for finiſhing the remainder of the Treaty, for Settling of Trade and Commerce, and keeping a right Underſtanding betwixt the two Nations, not betwixt Us and Our Parliament here. It is true, they were to receive their particular Inſtructions from the Council, which We believe to have been limited to theſe Generals, which certainly never could have reached this Particular. But we ſhall paſs by this, and remember it no more, ſo we may find Our Council hereafter give them no further Warrant, to meddle any more betwixt Us and this Parliament, but in ſo far as We ſhall firſt know and approve of it; which truely We conceive to be the only Means to ſhun thoſe Suſpicions and Jealouſies that might breed any interruption of that happy Underſtanding that is now eſtabliſhed, betwixt Us and that Our Native Kingdom. Herein We expect your beſt endeavors, as a real Teſtimony of your Affection to Our Service. We do likewiſe think fit, that a Double of all ſuch Inſtructions, as have already been given, or ſhall hereafter be given, to the Commiſſioners, be ſent Us, which will exceedingly conduce to the ſhunning of unneceſſary Miſtakings. And in caſe there come any Diſpute betwixt Us and Our Parliament here, about the Nomination of Officers and Councellors, We hope you will remember, upon what Grounds We were induced to yield in this particular to the deſires of Our Subjects in* Scotland, *it being Our neceſſary abſence from that Our Native*

Country;

Country; and you in private did often promiſe, upon occaſion, to declare that this Kingdom ought not to urge it, as a Precedent for the like to them, the Reaſons not being the ſame: therefore now you are to think upon the moſt convenient way to make good that Promiſe, and labour to prevent ſo great an Inconvenience unto Us, which We expect from you as one of the moſt acceptable Services can be done unto Us. An. 1642.

POSTSCRIPT, With His Majeſties own Hand.

I have commanded this My Servant Mungo Murray *to tell you ſome things, which I think not fit to write; therefore deſiring you to truſt what he will ſay to you from Me, I will now only add, that your Affections rightly expreſſed to Me (at this time) will do Me an unſpeakable Service, to the effecting of which I expect much from your particular Affection and Dexterity.*

Windſor, 26th January. 1642. CHARLES R.

His Majeſty alſo wrote to the ſame purpoſe to the Marquis of *Argyle*, and added the following Poſtſcript with His own Hand.

I Cannot but thank you for your Letter I received by Kinnoul, *it being the performance of a Promiſe you made at my laſt being in* Scotland; *not doubting but you will perform the reſt with the ſame cheerfulneſs. And I aſſure you, this is a time wherein the kything of your Affection to Me, will do Me an unexpreſſible Service, as* Mungo Murray *will tell you more at large, whom I deſire you to truſt in what he ſhall tell you from Me.*

Windſor, 26th January. 1642. CHARLES R.

His Majeſty named the Officers of the Army that was to go over to the relief of the Proteſtants in *Ireland*, chooſing them ſo, that they might be moſt acceptable to *Scotland*: and this he did both to gain the more upon them by his Confidence, as alſo to ſet thoſe troubleſom People out of the way; though this turned to the great prejudice of his Affairs in *Scotland*, as ſhall afterwards appear. But for this Advice, the Marquis deſerved no ſhare of the Blame; for the King left him behind at *London*, to ſee what could be effectuated by Mediation with thoſe of the Peers, whom he knew to love him; and it appears by the following Note, that he continued in His Majeſties Confidence.

Hamilton,

An. 1642.

Hamilton,

I Deſire you to come hither to morrow, not only to end our laſt Diſcourſe, but alſo upon other buſineſs of great Importance; and you ſhall find that I am

Windſor, 1ſt February, 1642.

Your conſtant Friend,

CHARLES R.

What that buſineſs was does not appear to the Writer.

The King leaves the Parliament, and the Marquis ſtays at *London* being ſick.

When the King withdrew further from the Parliament, and went Northwards, the Marquis was kept at *London* by a great Sickneſs of ſome months continuance, the length of it being occaſioned by his frequent relapſes into Fevers, and a lingering Recovery out of them; yet his ill-willers at Court repreſented the ſtory of his Sickneſs, to be but feigned, that under that pretext he might deſert the King when he needed his Service moſt. But he hearing of this was reſolved to be carried ſick as he was to the King, which the King knowing, commanded him to ſtay till God gave him Strength to come, without prejudice to his Health.

The Treaty with *Scotland* for the relief of *Ireland* is ended.

In *March* the Treaty between the Parliament of *England* and *Scotland* was cloſed; and among other Articles one was caſt in, *That an Uniformity of Religion ſhould be endeavoured betwixt the Kingdoms.* But the King would do nothing that might ſeem to ſtop the *Iriſh* buſineſs, and therefore gave way to it, though he ſmelled the deſign of it abundantly well. Beſides, the words being conceived in general Terms, he would not oppoſe them; ſince he judged an Uniformity of Religion was to be endeavoured, as well as they did, but with this odds, that he thought the Standard of it ſhould be taken from *England.* As ſoon as this went home, the *Scotiſh* Armies went over ſpeedily in the beginning of *April:* And the *Scotiſh* Council wrote to His Majeſty, and the Two Houſes, that they deſigned to ſend the Marquis of *Argyle* over to *Ireland,* but firſt to ſend him and the Earl of *Lowdon* to *London,* to mediate betwixt the King and the Houſes; with which His Majeſty was pleaſed. But the Houſes excuſed it in a fair way, pretending, that they judged *Argyle's* preſence neceſſary in *Scotland.* Many wondred whence this Jealouſie of him did flow; ſome thought it was becauſe the King conſented to it, and therefore they miſdoubted him; others apprehended that their Jealouſie was founded on the Friendſhip that was betwixt the Marquis and him; and that finding the Marquis ſo inflexibly firm to the Kings Intereſt, and averſe from theirs, they feared that *Argyle's* Friendſhips and his was founded on the ſame deſigns.

New Calumnies on the Marquis,

At this time ſome of the Marquis his Enemies repreſented to His Majeſty, that he made Offers of the *Militia* to the Houſes, with other things highly derogatory to His Majeſties Authority; and that he pretended a Warrant for thoſe Offers was ſent him by Mr. *Murray* of the Bed-Chamber. Theſe were the bad offices ſome fiery ſpirits ſtudied to do, to all who endeavoured the quenching of that Flame which was like

to

to devour *Britain*; but notice being given of this to the Marquis, he wrote Mr. *Murray* this Anſwer. *An.* 1642.

Worthy Friend,

IT is no new thing for me to find my ſelf traduced to His Majeſty, but I ſhould wonder very much, if he give Credit to a Report grounded upon ſuch Improbabilities: for if His Majeſty would be pleaſed to call to mind, how oft he repeated to me that He would never condeſcend to the Parliaments Demands concerning the Militia, *no not for an Hour in the way it was, I am ſure He will not think that I could engage my ſelf to the Parliament, that He would perform that which He never gave me Ground to believe my ſelf.* of which he clears himſelf.

And as for His return to London, *I likewiſe affirm He never gave me cauſe to hope, let be to engage my ſelf to the Parliament for it. I have had the Honour to be intruſted in divers Employments from Him, and He knows I never exceeded His Inſtructions: I hope He will not now think me ſo mad, or ſo great a Knave, as to do that which might bring Him any Inconvenience: for why ſhould I be an undertaker to the Parliament for either, having neither my Inſtructions, nor Directions from Him to mention to the Parliament, or any Member there. But theſe Reports proceed from ſuch, who perhaps (if the matter were looked into) have ſaid what probably they will not make good, and ſo endeavour to make other men bear the Burthen. I am not ſorry they have joyned you with me in this, ſince it cannot prove your diſadvantage, the thing being ſo eminently falſe.*

I ſee my Enemies malice will have no end, and when they want other grounds, Sickneſs is enough for them to take advantage of; but if they had been in the Condition that I have been in theſe three weeks, they would have been more charitable, and ſo I leave them.

The uncertainty of my Recovery hath made me write thus much to you, and truely not without trouble, that you may let His Majeſty know my Innocency in theſe particulars, and that I ſtill continue in a Condition not able to attend Him, which is a great grief to

Your faithful Friend
and Servant,

Whitehall, 7th April 1642.

HAMILTON.

The King thinks of going to *Ireland*:

In the middle of *April*, the King ſignified to his Council in *Scotland*, his Deſign of going in Perſon againſt the Rebels in *Ireland*, which he purpoſed, both to put more vigour in the Army by his Preſence; as alſo to refute thoſe Calumnies were ſpread upon him, as if he inclined to Popery, and had been acceſſory to the late Rebellion, with which damnable Calumnies his Enemies were beginning to aſperſe him. But the *Scotiſh* Council, as well as the Two Houſes, interceded earneſtly with him againſt this Deſign, pretending the Hazard his Sacred Perſon would be in. Some judged that they were afraid, leſt by ſuch a real Argument the Calumnies were caſt on His Majeſty, and ſcattered among the Vulgar for carrying on their Deſigns, might be refuted; and ſome feared leſt His Majeſty, had he gone to the Army, might have gained too much upon their Hearts, whereby he might have been in a Condition to have over-awed the Two Houſes. but that motion is diſliked by both Nations.

An. 1642. In *May* the *Scotiſh* Council ſent up the Lord Chancellor to offer a Mediation for a better Underſtanding betwixt the King and the Two Houſes; but the King was much irritated, by the Affront he had lately received before *Hull* from *Hotham*. He likewiſe found the Chancellor inſiſting on *Uniformity of Church-Government*, therefore he ordered his return into *Scotland*; and gave him a full account of all had paſſed betwixt him and his Two Houſes, requiring him to give a true repreſentation of it to his Council there. In the end of the Month the Marquis had recovered ſo much Strength as to come and wait on the King at *York*, where he would gladly have proſecuted his former Counſels, for advancing a Settlement betwixt the King and his Two Houſes: but he knew not how to adviſe the King to grant more than he had already yielded to, which (as the King ſaid to him) was more than had been granted by all the Kings of *England* ſince the Conqueſt: adding, that though he had gone a great length in Conceſſions to them, they had not obliged him by one favourable Vote, ſo that nothing remained for the Marquis but to lament the Kings Misfortune; yet he offered the uttermoſt of his Services to him, and ſubſcribed for the pay of threeſcore Horſe in the Kings Army. But he repreſented to His Majeſty the Hazard of *Scotland*'s concurring with the Two Houſes; which the King might eaſily apprehend, both from the late carriage of their Commiſſioners, and from what he knew of their Temper, eſpecially of the Miniſters Zeal, and Power with the People. For his own part, he ſaid, he was able to do the King ſmall Service any where; but having neither Intereſt, friends, nor followers in *England*, he would be but a burden to His Majeſty there: but if he could ſignifie any thing, it was in *Scotland*, where he ſhould uſe his utmoſt Endeavours to divert them from aſſiſting the Kings Enemies; for to expect Aid from them, was not to be thought upon. His Majeſty judging this moſt expedient, ſent him to *Scotland*, without any poſitive Inſtructions, recommending only to him his Service in General, of which he was ſo confident that he wrote the following Letter after him.

The Chancellor of *Scotland* ſent to mediate betwixt the King and the Two Houſes,

Hamilton,

I Have no time to write Particulars, and to perſwade you to ſerve me, I ſuppoſe that I have leſs need than time; therefore in a word, this is a Time to ſhew what you are, aſſuring you that at all times, I will ſhew that I am

and is ſent by the King to *Scotland*.

Your moſt aſſured and
conſtant Friend,

CHARLES R.

An. 1642.

MEMOIRES

OF THE

LIFE and ACTIONS

OF

James Duke of Hamilton, &c.

LIB. IV.

Of the Duke's and his Brother the Earl of Lanerick's *Negotiation in* Scotland *till their Impriſonment.*

THE Marquis came to *Edinburgh* in the beginning of *July*, and found very many diſguſted with him for his late concurrence in the Council at *York*, as a Peer of *England*. He ſtudied by all means to remove the wicked Inſinuations, which ſome in *England* had ſent to *Scotland* againſt the King: the moſt hurtful of them was, about his favouring of Popery, and his Deſigns of falling upon *Scotland* by Force, as ſoon as he had maſtered the Two Houſes. Theſe were zealouſly propagated by the Emiſſaries from *England*, and all Places ſounded with the danger Religion was in; ſo that he found his Negotiation was like to prove again unfortunate. The only means by which he had any hopes of engaging *Scotland* in the Kings Quarrel, was, to move that an Invitation might be ſent from *Scotland* to the Queen for her return, (whom the Tumults at *London* had driven beyond Sea) that ſhe might mediate for a Settlement betwixt the King and the Two Houſes. This he judged might inſenſibly draw them on to own the Kings Service, for if the Queen came upon their Invitation, they would be obliged in Honour to protect her, and ſee that ſhe met with no Injuries, and to reſent ſuch as ſhould be done her; and therefore he ſent a confident Friend to give His Majeſty an account of the Poſture things were in, according to the following Inſtructions.

Great Jealouſies of the King in *Scotland.*

An. 1642.

I. *SHew His Majeſty with what a prejudicated Opinion I was received, by reaſon of what I have done at* York, *which I ſtill lie under.*

II. *Shew in what Temper I found this Kingdom, occaſioned (as I conceive) by the apprehenſion they have of His Majeſties not obſerving what He hath already granted, if He ſhall be in a Condition to force them; ſeeing it is believed, that what He hath given was againſt His Will. Next, divers eminent Perſons apprehend, that if He obtain His ends by Force, they will be neglected, and Perſons obnoxious to this Kingdom cheriſhed.*

III. *Shew that ſome active men will not lie idle in ſo ſtirring Times; and therefore His Majeſty would conſider how to make uſe of them, leſt otherwiſe they may be engaged, and with them the Kingdom.*

IV. *Shew that it will be impoſſible longer to delay the Meeting of the Commiſſioners for Conſerving of the Peace, and what my Part hath been therein; and therefore to Conſider, if it were not fit they were called by His Majeſties Warrant.*

V. *Shew that I could not think of a better way to ſerve Her Majeſty (for the preſent) than by procuring an Invitation from the whole Kingdom for Her return; which Propoſition if His Majeſty conceive fit for His Service, and be acceptable to Her Majeſty, I doubt not of the effectuating it, otherwiſe it ſhall here end.*

VI. *Shew that though I can be of no great uſe to His Majeſty any where, yet I conceive more here than at* York; *for albeit I ſtill ſay I can undertake for nothing, yet I may poſſibly be able to prevent Evil, if I can do no Good.*

VII. *Shew the miſerable Condition of my Fortune, which occaſioneth the not ſending as yet the Moneys for entertaining the Horſe, which if the ſale of Land can procure, ſhall be quickly remedied.*

Dunfermline Commiſſioner to the General Aſſembly.

In *Auguſt* following there was an Aſſembly, to which the King ſent the Earl of *Dunfermline* Commiſſioner, with full Aſſurances of His Majeſties Reſolution to adhere to what was now ſettled by Law, and to encourage all good Motions for advancing of Piety and Learning: and it was alſo recommended to him, as his chief Work, to keep the Aſſembly within their own bounds; that they might not meddle with *England*, nor interpoſe in the Differences betwixt the King and the Two Houſes. But this was not to be done, except by Authority backed with Force; for there came a Declaration from the Parliament of *England*, which was very welcome to them, and had ſuch a Return as they of *England* deſired. For the Aſſembly declared *Prelacy* to be the great Mountain that lay in the way of the advancement of Religion, which muſt firſt be removed before the Church and Work of God could be eſtabliſhed; and nothing the Kings Commiſſioner ſaid, was able to divert them from this, ſo irreſiſtible was their Zeal. They alſo ſent a Petition to the Council, deſiring them to ſecond their Addreſs to the King, for an Uniformity in Church-Government in all his Dominions; and likewiſe deſired, that by reaſon of the Commotions were in *England*, the Council would call together the Conſervatours of the Peace (this was a Court eſtabliſhed by the late Parliament, to ſee to the Preſervation of the Articles of the late Treaty with *England*.) The Council upon this recommended Uniformity in Church-Government, by a Letter to the King, wherein they deſired alſo Warrant to convene the Conſervatours of the Peace: the Aſſembly wrote alſo to the King to the ſame purpoſe.

The Aſſembly declares againſt Epiſcopacy in *England*,

The

The Marquis repreſented to His Majeſty, that their Zeal for this Uniformity was ſo great, that no Art could hinder them from Petitioning for it; but if they could be preſerved from Deeds, their big words were to be anſwered with ſmooth Language. *An.* 1642. Many deſire Uniformity in Church-Government; and that the Conſervators of Peace might meet.

But as for the Meeting of the Conſervatours of the Peace, he laid out the hazard of it to the King; for if he refuſed to convene them, it would raiſe Jealouſies in the Peoples minds, and there was ground to fear they would meet of their own accord, if they were not called; which would be an affront to the Kings Authority, and might precipitate a Rupture. But on the other hand, there was no ſmall danger in their Sitting, for of that number, ſome were likelier to diſturb than conſerve the Peace. To the Letters from the Aſſembly and Council the King wrote the following Anſwer.

CHARLES R.

BY your Letter to Us of the 19th *of this Inſtant* Auguſt, *We find you concur with Our late General Aſſembly, in their Deſire to Us about Unity of Religion, and Uniformity of Church-Government in all Our three Kingdoms; which cannot be more earneſtly deſired by you, than ſhall be really endeavoured by Us, in ſuch a way as We in Our Conſcience conceive to be beſt, for the flouriſhing Eſtate of the true Proteſtant Religion. But as for Joyning with Our Houſes of Parliament here in this Work, it were improper for Us at this time to give any Anſwer: for ſince their Meeting they have never made any Propoſition to Us, concerning Unity of Religion, or Uniformity of Church-Government: ſo far are they from deſiring any ſuch thing, as we are confident the moſt conſiderable Perſons, and thoſe who make faireſt Pretences to you of this kind, will no ſooner embrace a Presbyterial than you an Epiſcopal. And truely it ſeems, (notwithſtanding whatſoever Profeſſion they have made to the contrary) that nothing hath been leſs in their minds than Settling of the true Religion, and Reforming ſuch Abuſes in the Church-Government, as poſſibly have crept in, contrary to the eſtabliſh't Law of the Land: to which we have been ſo far from being averſe, that We have by divers Declarations and Meſſages preſſed them to it, though hitherto it hath been to ſmall purpoſe. But when-ever any Propoſition ſhall be made to Us by them, which We ſhall conceive may any way advance the Unity of the true Proteſtant Religion, according to the Word of God, or eſtabliſh the Church-Government according to the known Laws of this Kingdom, We ſhall by Our chearful Joyning with them, let the World ſee, that nothing can be more acceptable unto Us, than the furthering and advancing of ſo good a Work. So we bid you Farewell.* The Kings Letter about Uniformity of Church-Government.

From *Nottingham* the 26th of *Auguſt*, 1642.

All in *Scotland* called for the Conſervatours Sitting, and ſaid, that they muſt be on their guard, when War was like to be on their Borders; whereupon the Council ordered the Chancellour to convene them. The Chancellor calls a Meeting of the Conſervators of the Peace.

At this time all the *Scotiſh* Commiſſioners returned from *London*, every thing that concerned the Treaty being expeded: but the Council thought it neceſſary to ſend the Earl of *Lindſay*, and Sir *John Smith*, to lie there for Correſpondence, of which they gave the King notice. With this His Majeſty was highly diſpleaſed, for he ſaid, they were either

An. 1642. ther ſent to Treat by vertue of the Commiſſion from the Parliament, in which caſe they were not a *Quorum*, or by the Councils Authority: if ſo, then he asked who warranted them to do that without his Order? yet to take away any ground of Heats or Jealouſies, he impowered them to go, that they might ſee to the preſerving the Articles of the Treaty. As for the *Conſervators of the Peace*, he gave the Earl of *Lowdon* Warrant to convene them againſt the 22th of *September*, and ſent Mr. *Murray* of the Bed-Chamber, afterwards Earl of *Dyſert*, with Inſtructions, to inform them of all had paſſed betwixt him and the Two Houſes; whoſe account of the ſtate he found things in, follows in a Letter to my Lord *Lanerick*.

Mr. *Murray* ſent to *Scotland*,

My much honoured Lord,

Who informs about the State of Affairs there.

WHen I arrived here, your Brother was in Argyle; *but upon knowledge of my coming, came himſelf, and brought that Marquis with him to* Hamilton, *whither the Chancellor went likewiſe, and there I attended all three.*

I found them with the ſame Affections and Deſires your Lordſhip left in them, but as they conceive, not ſo able to Act as they were then. They apprehend, the Parliament of England *will be much higher in their Demands than at that time; as underſtanding now both the Kings Power, and their own, which were then but upon forming, and promiſed a greater Equality. The Kings two Meſſages to the Parliament have likewiſe ſo diſcredited His Majeſties Affairs in this Country, that they fear many forward enough before, will now unwillingly engage in any way which may diſpleaſe the Parliament; yet they are reſolved to do their beſt, and I believe ſay little leſs in this incloſed Letter, ſigned by all three.*

His Majeſty muſt expect in point of Religion, to be preſt for Uniformity in Church-Government; and if His Majeſty may be moved to publiſh ſome handſome Declaration ſatisfactory in that point, it would infinitely advance all his Affairs in this Country, and from hence have a powerful influence upon that.

The Parliament hath gained much here by their laſt Vote, and there is a very fine Anſwer expected to their laſt Meſſage ſent by the Lord Maitland, *which will extraordinarily confirm the former Correſpondence; if the King do not ſomething plauſible in the ſame kind, timeouſly and unconſtrained, the two Kingdoms will ſhut upon him in deſpight of what his beſt Servants can do.*

Here is no Order for publiſhing His Majeſties Declarations, and great care taken to the contrary, which occaſions great prejudication in the common Peoples minds, and were very fit to be amended.

I am looked upon here with great Jealouſie, yet it leſſens becauſe they ſee I am not buſie. I am adviſed by your Brother, and the reſt, for avoiding of ſuſpicion to go up to Court, which (having diſpatched ſome particular buſineſs I have of my own) I am reſolved to do. They have entruſted me with theſe particular Queries, of which they deſire His Majeſties Reſolution; if your Lordſhip find opportunity you may acquaint His Majeſty with them They deſire likewiſe your Lordſhip may be ſent down with a Letter to the Commiſſioners full of Confidence, and allowing them all Freedom in their Conſultations. In reſpect of this great Meeting, your Brother cannot make his Journey to Holland: *no Act of that nature being now to be done, their Opinion and Authority not conſulted: but I find them all right ſet in the thing, and truly ſo reſpective to the Queens Perſon, it did my Heart good to hear them.*

All

All the Lords Conſervators which are with you, will receive Summons: but it is not deſired they ſhould come down, and truly I believe their Preſence will do more hurt than good. An. 1642.

I muſt intreat your Lordſhip to acquaint His Majeſty with theſe Particulars, to receive his further Commands, and convey them to

My Lord,

Edinburgh, 10th Sept. 1642.

Your Lordſhips faithful humble Servant,

M. MURRAY.

POSTSCRIPT.

The King muſt ſend to New-Caſtle *Directions concerning his Ships, for their Victuals are quite ſpent; my poor opinion is, they ſhould be ſent to* Holland, *where they may be ſafer, and attend the Queen.*

What the Queries mentioned in this Letter were, appears not to the Writer: but for the Letters and Declarations the King ſent to *Scotland*, they are all of one ſtrain; and becauſe the cleareſt and fulleſt was ſent the next Summer, I ſhall refer all to that, which ſhall be ſet down in its proper place. Only I have here inſerted an account of the Kings Affairs with the Two Houſes, written by *Lanerick* to one in *Scotland*, (whoſe Name I find not ſet down but believe it was to Mr. *Murray*,) and corrected with His Majeſties Pen in ſome places.

SIR,

AS you deſired me, *I moved His Majeſty for a Copy of the laſt Meſſage to the Houſes of Parliament, which you will herewith receive. His Majeſty hath not as yet had any Anſwer from them, but we are informed here, His Meſſengers have been far otherwiſe received than he expected, (ſince they were the Carriers of ſo good a Meſſage:) for the Earl of* South-Hampton, *a better Poſter than the Earl of* Dorſet *came to the Houſe upon* Saturday *laſt, and as he was going to take his place, he was called to, to withdraw. He ſaid, he had a Meſſage to deliver them from His Majeſty, but received no other Anſwer than ſtill a Command to withdraw, which at laſt he obeyed: then they ſent the Black Rod to him, requiring him to ſend the Meſſage to them by him; which he refuſed, having Commands to deliver the Meſſage himſelf to the Houſe. But they again preſſed it, yet he ſtill refuſed; at laſt they declared, that if any Evil did ariſe from the not delivering of his Meſſage, they were free of it: whereupon he ſent it to them by* Mr. Maxwell, *to which he received no other Anſwer, than their abſolute Command immediately to remove from Town. The Houſe of Commons were ſomething more favourable to Sir* John Culpeper, *who after ſome Debate, was admitted into the Houſe, (though not to his Place) but, as I am informed, delivered his Meſſage at the Bar, and thereafter was commanded to withdraw. It was then taken into Conſideration, whether or not he ſhould any more be admitted as a Member of that Houſe; which was voted in his favours, ſo that it is like their Anſwer will be returned by him: which I hear will only be to let His Majeſty know, that ſo long as his Proclamations are out againſt the Earl of* Eſſex *(and ſuch others their Adherents, of whom they* account

An account of Affairs in *England.*

An. 1642. *account themſelves to be) as Traytors, and the Standard up for raiſing of Men to ſuppreſs them; they account themſelves as out of His Majeſties Protection, and ſo incapable to Treat.*

By this the World will ſee, whether His Majeſty or they be the occaſion of this War, and of all the Blood which is like to be ſhed in this unfortunate Kingdom. His Majeſty hath left no means of Accommodation uneſſayed, for he hath even deſcended to make the firſt Offer of a new Treaty; ſo careful is He of His Subjects Lives, that for their Safeties, He is even prodigal of His Own Honour: and certainly he hath not a Subject that hath Honour, but will be ſenſible of the Extremities he is now reduced into. I wiſh our Countrymen may take it ſo to heart, as not to neglect this occaſion of witneſſing their Affections to His Majeſty, by making ſome Overtures for ſuch a Treaty, or offer of their Service to Him, (ſince His Majeſty is abſolutely reſolved to ſend no more Meſſages) as may be moſt for His Majeſties Honour, and Peace of His Kingdoms: which if they ſhall refuſe or deſpiſe, I hope we will not then forget, that it is our King that is reduced to this neceſſity, and that we will never look on unconcerned where he is ſo deeply engaged. I hope you will pardon the Trouble I give you in reading this long ill-written Letter; for had I not been Commanded to it, by a Power which God willing I ſhall never diſobey, it had not been hazarded on by

Nottingham, the laſt of Auguſt 1642.

Your moſt humble Servant,

LANERICK.

Much pains taken to engage *Scotland* to the Kings Service.

The Marquis took all the pains imaginable on *Argyle* and *Lawdon*, to perſwade them to a cordial owning of the Kings Service, as the only way to give *Scotland* a laſting Intereſt in the Kings Affection, which alſo would make them famous all the World over. And ſince the *Scotiſh* Troubles had involved the King in all His difficulties, it was juſt they ſhould ſtudy to extricate him: and for the pretence of Religion, with which the *Engliſh* were cajoling our *Scotiſh* Clergy, he ſaid he was to be pardoned, if he preſumed to know them better than they could, aſſuring them that Religion was only pretended by them. He took alſo a great deal of pains in many others, to prepare them againſt the day in which the Conſervatours were to meet; to which *Lanerick* came with the following Letter from His Majeſty.

Right truſty, &c.

The Kings Letter to the Conſervatours of the Peace.

HAving been informed that upon Petition of the Commiſſioners from Our late General Aſſembly, Our Council thought fit, that you ſhould meet for diſcharging of that Truſt impoſed on you by Us, and Our Parliament, whereby all fair means may be uſed to prevent ſuch Troubles and Diviſions, as may interrupt or endanger the common Peace of Our Kingdom. And as it ought to be the continual ſtudy of all Good and Pious Princes, to preſerve their People, ſo certainly it is the Duty of all Loyal and Faithful Subjects, to maintain the Greatneſs, and Juſt Authority of their Princes; ſo that without this reciprocal Endeavour, there can be no Happineſs for the Prince, nor Security for the People. We are ſure, Our late Actions in Scotland, *will to all poſterity be an acceptable witneſs of Our Care, in preſerving the Liberty of thoſe Our Subjects, and Our Deſire to ſettle perfect Peace in that Our Kingdom. And We are alſo confident, that the many good Acts We have paſt here ſince the Sit-*

ceſſors)

ting of this Parliament, (indeed denying none but such as denyed Us any Power at all, and were never so much as demanded from any of Our Predecessors) will bear the like Testimony of Our Affection to the Good and Peace of this Kingdom, though the success hath not been alike. For though We have used Our best Endeavours, to prevent the present Distractions and threatning Dangers: yet so prevalent have been the opposers of Us, and the Peace of Our Kingdoms, that not so much as a Treaty can be obtained, (though by Our several Messages We have descended to demand and press it) unless upon such Conditions, as would either by taking all Power of Government from Us, make Us as nothing; or by forcing Us to quit the Protection of such, as for obeying Us, (according to Law and their Oath of Allegiance) they would have Traytors, and so make Us do an Act unworthy of a King. Yet so desirous We are to save Our Subjects Blood, (which cannot but be prodigally spent, if We be necessitated by force of Arms to decide these unhappy Differences) that no sooner any such Treaty shall be offered unto Us by them, (which with Honour and Safety We can receive) but We shall chearfully embrace it. This We have thought fit to acquaint you with, that from Our Selves, you may know Our love to Peace, and We doubt not but your Meeting at this time will produce something which will witness your tender respect to Our Honour and Safety; and so much We do confide in your Affections, as We shall absolutely leave the ways and means of expressing it to your selves. So We bid you heartily farewell. An. 1642.

From Our Court at *Stafford*, the 18th of *September*.

This so far prevailed with them at their first Meeting, that all things went very fairly; so that they sent a Return to the Kings Letters, without making any Judgement on the Differences betwixt Him and the Parliament. They also resolved to Mediate betwixt the King and the Two Houses, and for that end, designed to send the Marquis to *Holland*, with an Invitation from *Scotland* to Her Majesty, for her Return to mediate a Peace betwixt the King and Parliament. And the Marquis got a Paper signed, by almost all the Lords, not only those who were the best-affected, but by *Lowdon*, *Argyle*, *Wariſtoun*, Mr. *Alexander Henderson*, and the other Leaders of the Party, containing an Invitation for Her Majesty to come to *Scotland*, with assurance of Security for Her Person, and the free exercise of Her Religion for Her Self and Family, (so that no others were admitted to share in it;) and that they should concur with Her Majesty, in mediating a Peace betwixt the King and the Two Houses, which if it were rejected by the Two Houses they obliged themselves to engage for the King against them. This was carried with great Address, and managed so prudently, that wise men called it the Master-peece of the Marquis his Life. *Lanerick* carried it to the King, to receive His Pleasure about it, a Note whereof follows, written by *Lanerick* in general Terms.

The Conservatours incline to serve the King,

and to invite the Queen:

Divers of the most considerable of the Nobility of Scotland, *have (by the Earl of* Lanerick) *humbly offered unto His Majesty their sense of the present Differences betwixt Him and His Parliament of* England, *which they conceive will hardly be reconciled so long as Her Majesty is at so great a distance; and therefore are perswaded, it would conduce much for Settling these Distractions, if Her Majesty might be moved to return and mediate in so good a Work; for which end the Marquis of* Hamilton *(if His Majesty think*

and send *Lanerick* to the King.

An. 1642. *fit, and conceive it may be acceptable to Her Majeſty) will be ready to go to* Holland, *humbly to invite Her Majeſty hereunto, in Name of this whole Kingdom of* Scotland, *who will as dutiful and faithful Subjects, humbly joyn their Endeavours and Mediation with Her Majeſty, that His Majeſty may have Honour and Contentment, and His People Happineſs and Security under His Royal Government.*

But the King was jealous of them.

The King at firſt welcomed this Propoſition with a great deal of Joy, but upon other grounds, he thought not fit to liſten to it; for his Affection to the Queen made him fear the hazard of Her Perſon ſo much, that this Propoſition was not entertained, which the Marquis often regrated as a Loſs which could never be recovered: for this raiſed Jealouſies in the minds of the *Scotiſh* Lords, as if the King had no Confidence in them, which was cheriſhed ſufficiently by divers Male-contents, upon which the Marquis deſpaired of getting any good done in *Scotland*. All he judged poſſible thereafter, was to prevent, and provide againſt the Evil he feared, and that he proſecuted with all the Zeal he was maſter of; which His Majeſty underſtanding by Mr. *Mungo Murray* Cupbearer, wrote him what follows.

Hamilton,

YOur Letter and this Bearer hath ſo fully ſatisfied me, (that I cannot be more confident in any thing than that you will (beſide what you have) deſerve that mark of Favour I intend you. You know me too well to have more words ſpent upon you; only this, I think unfit to truſt particulars to Paper, having ſo truſty a Meſſenger, whom I ſtayed this long, expecting dayly a Battel: but now I think the Rebels want either Courage or Strength to fight, before they be forced. So referring you to my Servant Mungo, *I reſt*

Wollerhampton, the 27th Octob. 1642.

Your moſt aſſured conſtant Friend,

CHARLES R.

The Conſervatours become worſe affected.

The next Meeting of the Conſervatours was on the 24th of *November*, where their ſtrain ſeemed much altered to the worſe; yet they ſtill reſolved to interpoſe in a Mediation betwixt the King and the Parliament of *England*: whereupon they wrote both to the King and the Two Houſes, for a Safe-conduct to ſuch as they ſhould ſend up.

The Earl of *Louthian* is ſent to *France*.

At this time there were great Complaints of ſome encroachments made upon the Priviledges the *Scotiſh* Nation had enjoyed in *France*: for Redreſs whereof the Council thought it neceſſary to ſend one to *France*, and made choice of the Earl of *Louthian*; and ſent him firſt to the King, with the Inſtructions they had given him, that His Majeſty might ſend him as His Miniſter, to negotiate that Affair. One of the Inſtructions, was to get the Marquis put in poſſeſſion of the Honour and Revenue of *Chaſtle-herault*.

Upon the Earl of *Lowthian*'s coming to Court, the Inſtructions he had from *Scotland* were called for by His Majeſty; who judged he had no reaſon to allow this Precedent of His Subjects inſtructing His Agents to Foreign Courts, and theſe are yet extant among *Lanerick*'s Papers.

But

But the King cauſed write them over in his Name, ſo that there was no ground from this, to charge any thing on the Marquis, as tampering with Foreign Princes, which was publickly done by his Enemies on this occaſion; it having been ordinarily recommended by King *James* to all the Miniſters he ſent from *Scotland* to *France*. Neither was this done without the Kings particular Knowledge and Orders; for beſides that the King gave that Inſtruction with the reſt, he very ſeriouſly recommended it by word of mouth to *Lowthian's* Care, as he informed the Writer. *An.* 1642.

After this the Marquis repreſented to the King, that it were fit he ſhould ſend down ſome perſon of Quality to give freſh Aſſurances and Hopes, before they ſent up their Commiſſioners: whereupon the King ſent down the Earl of *Lanerick*, as the perſon who underſtood his thoughts beſt, and was ableſt to ſecond his Brother in advancing his Service. He came from *Oxford* in the beginning of *December*, and brought the following Letter from the King to his Brother. *Lanerick* is ſent back to *Scotland*.

Hamilton,

THough the Truſt of this Bearer needs not a Credential Letter, yet the Civility of a Friend cannot but under his hand, as well as by word of mouth, expreſs his Kindneſs, and reſentment of Courteſies; which of late have been ſuch, that you have given me juſt cauſe to give you better Thanks, than I will offer at in in words. I ſhall not neglect the lazie uſe of ſo truſty a Bearer, by referring to him, not only the eſtate of my Affairs here, but likewiſe in what way you will be of moſt uſe to Me: yet I cannot but tell you, I have ſet up my reſt upon the Juſtice of my Cauſe, being reſolved, that no extremity or misfortune ſhall make me yield; for I will be either a Glorious King, *or a* Patient Martyr, *and as yet not being the firſt, nor at this preſent apprehending the other, I think it now no unfit time, to expreſs this my Reſolution unto you. One thing more, (which but for the Meſſenger were too much truſt to Paper) the failing to one Friend hath indeed gone very near me; wherefore I am reſolved, that no Conſideration whatſoever ſhall ever make me doe the like. Upon this Ground I am certain, that God hath either ſo totally forgiven me, that he will ſtill bleſs this Good Cauſe in my Hands; or that all my Puniſhment ſhall be in this World, which without performing what I have reſolved, I cannot flatter my ſelf will end here. This accuſtomed Freedom will (I am confident) add chearfulneſs to your honeſt Reſolutions, ſeeing beſide Generoſity, to which I pretend a little, my Conſcience will make me ſtick to my Friends, aſſuring you, I have none if I am not* An extraordinary Letter of the Kings.

Oxford, 2d Decemb. 1642.

Your moſt aſſured conſtant Friend,

CHARLES R.

An. 1642. This excellent Letter will both ſhew, what pious Reſentments His Majeſty carried along with him in the greateſt perplexities of his Affairs, and diſcover how he did not think that the Marquis had either neglected or abuſed his Truſt. *Lanerick* acted with more briskneſs, and ſpoke more home and roundly than his Brother, which preſerved him in a high degree from the Jealouſies, which the ſmoothneſs of his carriage brought upon him. Now the Pulpits were not idle, for the Miniſters begun again to work on the People, for the Defence of the Good Cauſe now in hazard, which was ecchoed back with the applauſe of the Vulgar.

The Miniſters perſwade the People to Arms.

The Marquis and *Argyle* at enmity.

At this time the Marquis his Friendſhip with *Argyle* grew to a Coldneſs, which after a few moneths turned into an Enmity; for he finding *Argyle* ſo backward in all motions for the Kings Service, and that he could not be prevailed upon to continue in a Neutrality in the *Engliſh* quarrel, broke with him.

The Marquis is complained of *England* as the Incendiary.

There was then in *Scotland* one *Pickering*, an Agent from *England*, who ſtudied to poyſon all with Misinformations of the Kings Proceedings and Deſigns. He wrote to Mr. *Pym*, that he found good inclinations with all in *Scotland*, to own their Quarrel, and declare for them; only the Marquis with his Friends reſiſted it ſo powerfully, that till he were laid aſide, the ſucceſs of his Negotiation was to be feared. Wherefore he adviſed to proceed againſt him roundly, and either to ſummon him to the Houſe of Peers, or to ſend down a Warrant to purſue him in *Scotland* as the Incendiary betwixt the two Kingdoms: and he ſent threatnings of this to the Marquis; but he found his firmneſs to the Kings Service was proof againſt all Attempts, and he could neither be careſſed, nor cudgelled out of it. Moſt of *Pickering*'s Letters, both to *Pym* and *Clotworthy*, were intercepted, from which I draw theſe Accounts.

Great debates in the Council about the Kings Declaration.

About the 20th of *December* there was a Council-day, (a particular account whereof I ſhall give, as I have it from a Copy of a Letter written to *London*) in which the Chancellour preſented to the Council a Letter from my Lord *Lindſay* (then at *London*) with the Declaration of the Parliament. But though the Lords of that Party knew nothing of this, yet by private Letters *Lanerick* had ſome conjectures of it beforehand. After the Parliaments Paper was twice read, *Lowdon* reſumed it fully, and aſſoon as he had done with that, *Lanerick* delivered another Letter from the King, with as large a Declaration within it: and after it was twice read, *Lanerick* bade the Chancellour reſume it, as faithfully as he had done the former; which accordingly he did. The firſt thing the Marquis thought beſt to move, as that of the leaſt Importance, which yet would diſcover how the Council was inclined was the Publiſhing the Kings Declaration. The Lord *Balmerino* ſaid, the Parliament deſired not theirs to be publiſhed, ſo it were Officiouſneſs to do it; but that it were Injuſtice to publiſh the one without the other. The Marquis asked, was that becauſe we owed as much to the Parliament of *England*, as to the King? *Lanerick* added, he had a Command from the King for it. *Argyle* anſwered, they ſate there to good purpoſe, if every Meſſage to them was a Command; and they two let fly at one another for a while with much eagerneſs. But the Marquis and *Balmerino* took the debate off their hands, and managed it more calmly. The Marquis ſaid, the Vote was to be ſtated, Obey or Not obey: the other

anſwered,

anſwered, that was the Biſhops way of proceeding, to procure Orders from the King without Advice, and then charge all who offered better Counſel with Diſobedience. The Marquis ſaid, to what did they mean to reduce the Kings Authority, if he might not ſet out Declarations, for removing the Aſperſions were caſt on his Perſon and Government? or would they ſpeak plainly, were they afraid that his Subjects might have too good an opinion of him, if they heard himſelf? There appeared a variety of Opinions before it was put to the Vote, ſome were for Printing both, ſome were for Printing neither, ſome for Printing the Kings and not the Parliaments; and one had a ſingular Opinion, for Printing the Parliaments, and not the Kings. There were one and twenty Councellours preſent, and it being put to the Vote, Print or not Print, there were eleven who voted *I, I, I,* and nine voted *No, No, No.* This being carried that the Kings Declaration, and not the Parliaments ſhould be Printed, the Marquis moved next, that the matter of theſe Declarations might be conſidered. But the Lord *Balmerino* ſaid, the Parliament of *England* was long in contriving their Paper; and the King, and thoſe about him, had been no doubt, as long in forming the other; and if we ſhall fall upon a few hours Conſideration, to give our ſenſe of them, *we were pretty fellows in faith,* which he twice repeated. This rude Raillery touched the Marquis in the quick, becauſe he conceived theſe words were not ſo much a reflexion upon himſelf, as on the King, who (on another great occaſion) had uſed the ſame expreſſion. However they had ſate and debated long, ſo they gave it over for that day. This is ſet down more particularly, becauſe it was the firſt inſtance that theſe two Parties fell viſibly aſunder: and henceforth they continued ſtated in two Factions. But becauſe I love not to name perſons upon invidious occaſions, henceforth all the other Faction ſhall be deſigned by the General term of the *Church-party,* (others calling them *Argyl*'s Party) and the other the *Hamilton*-party. However the Declaration was printed, which drew a large ſhare of Cenſure and Hatred on the two Brothers; but the King was ſo well pleaſed with their Behaviour, that he wrote the Marquis the following Letter. *An.* 1642.

Hamilton,

YOu know I am ill at words: I think it were beſt for me to ſay to you (as Mr. Major *did)* you know my mind, *and indeed I know none of my Subjects, that knows it better; and having for the preſent little elſe to give my Servants but thanks, I hold it a particular Misfortune that I can do it no better, therefore this muſt ſuffice. I ſee you are as good as your word, and you ſhall find me as good in mine, of being*

Oxford, December 29th. 1642.

Your moſt aſſured conſtant Friend,

CHARLES R.

POSTSCRIPT.

An. 1643.

POSTSCRIPT.

You cannot take to your ſelf, nor expreſs to your Brother, better thanks than I mean to you both, for the Service you did me the laſt Council-day.

Anno 1643.

An. 1643.

Moſt are inclined to joyn with the Two Houſes againſt the King.

THe next Year begun with Petitions, which were brought from divers Shires and Preſbyteries, complaining of their Publiſhing the late Declaration; but the Conſervatours of Peace (who were for the moſt part of the Church-party) made this up the beſt way they could; for firſt, they declared a Publication was not an Approbation; next, they appointed the Parliaments Declaration to be alſo Publiſhed. At this time the Marquis and *Traquair* renewed their old Friendſhip: and ſeeing theſe Petitions coming in ſo faſt, which did clearly inſinuate deſires of engaging in the Parliaments Quarrel, he with his Brother's and *Traquair*'s advice, contrived a Croſs Petition to be offered to the Lords of Council. And as the Motion of it came firſt from him, ſo the firſt draught of it was from his Pen, of which I find an account under *Lanerick*'s hand: ſo little reaſon there was to charge him with Juggling in that matter; though it was not fit, he ſhould have owned it, leſt upon that account the Church-party might either have accuſed him as a Plotter, or at leaſt caſt him from Sitting and Judging in it. The Petition follows.

The Croſs Petition.

May it pleaſe your Lordſhips,

THat whereas His Majeſty, with Advice of his Great Council the Eſtates of Parliament, hath been pleaſed to ſelect your Lordſhips *to be His Councellours, and hath, by an Act of the late Parliament, committed to your Lordſhips the Adminiſtration and Government of this Kingdom, in all Affairs concerning the Good, Peace, and Happineſs thereof; and in regard of that great Truſt repoſed by His Majeſty, and the Eſtates of Parliament in you, your Lordſhips have been and will continue ſo careful to acquit your ſelves of that weighty Charge, as you may be anſwerable for all your Actions and Proceedings to His Majeſty, and the Eſtates of Parliament, to whom (as we conceive) you are and can only be accomptable: And now we being informed of a Petition preſented by ſome Noblemen, Gentlemen and others, to the Commiſſioners, for conſerving the Articles of the late Treaty, upon pretext of your Lordſhips not Sitting at that time, wherein it is repreſented, that your Lordſhips late Warrant for Printing His Majeſties Letter hath occaſioned great Grief and heavy Regrate of all who tender the Glory of God, His Majeſties Honour, and procuring Unity of Religion, and Uniformity in Church-Government, the continuance of Peace, and Union betwixt the two Kingdoms, and fearing if at this time, we ſhould be ſilent, your Lordſhips ſhould conceive us, and the reſt of the Kingdom, to be involved with them in the like Deſires, Judgements and Opinions, and leſt by our ſilence our Gracious Soveraign the Kings Majeſty ſhould believe us wanting in the Duty and Allegiance, which*

by

by ſo many Tyes and Obligations we owe to Him, our Native King, or that our Brethren of England *ſhould apprehend the leaſt Intention, or Deſire in us, to infringe, or any ways to encroach upon the Brotherly Union of the two Kingdoms, ſo happily united under one Head; We preſume in all Humility to clear our ſelves, and our Intentions to your Lordſhips, and to all the World, and therewith, to repreſent our humble Wiſhes and Deſires, for Eſtabliſhing His Majeſties Royal Authority, and continuing that happy Union betwixt the two Kingdoms, which can never truely be conceived to be intended to weaken the Head, whereby it is knit together, and without which it can have no ſubſiſtence.* An. 1643.

The happy Union of the two Kingdoms under one Head, our King, doth ſo much add to His Majeſties Greatneſs, and Strength of both Kingdoms, that we Britiſh *Subjects cannot chooſe but wiſh that the ſaid Brotherly Union be heartily entertained, and cheriſhed by all fair and reaſonable means, to which we conceive no one thing will ſo much conduce, as that the late Articles of the Treaty of Peace, and Concluſions taken thereupon about Unity of Religion, may be carefully and timeouſly proſecuted: wherein as our Commiſſioners then, ſo we now without preſuming or uſurping to preſcribe Rules, or Laws of Reformation to our Neighbour-kingdom (Civil Liberty and Conſcience being ſo tender that it cannot endure to be touched, but by ſuch as they are wedded to, and have lawful Authority over them) notwithſtanding, ſeeing the duty of Charity doth oblige all Chriſtians to pray and profeſs their Deſires, that all were of the ſame Religion with themſelves, and ſince we all acknowledge that Religion is the baſe and foundation of Kingdoms, and the ſtrongeſt Bond to knit the Subjects to their Princes in true Loyalty, and to knit their Hearts one to another in true Unity, we cannot but heartily wiſh, that this work of Union ſo happily begun, may be crowned and ſtrengthened by the Unity of Church-Government; and that your Lordſhips with us may be pleaſed to repreſent it to His Majeſty, and Both Houſes of Parliament, as an expreſſion and Teſtimony of our Affections to the good of our Brethren in* England, *and of our Deſires to make firm and ſtable our Brotherly Union by the ſtrong chain and Bulwark of Religion: but, as we have ſaid, no ways intending thereby to paſs our bounds, in preſcribing, and ſetting down Rules and Limits to His Majeſty, and the Two Houſes of Parliament, their Wiſdom and Authority, in the way of proſecution thereof. The ſenſe we have of the great Calamities, and irreparable Evils, which upon occaſion of theſe unhappy Diſtractions and Miſtakes betwixt the Kings Majeſty and the Two Houſes of* England, *(which if not ſpeedily removed cannot but produce the fearful and prodigious effects of a bloody and Civil War) obligeth us in the duty of Chriſtians, and as feeling members of what may concern our Common Head, the Kings Majeſty, and the Good and Happineſs of our Brethren of* England, *humbly to repreſent to your Lordſhips, That as we will not be wanting with our Prayers, and our faithful and beſt Endeavours, to aſſiſt in the removing of theſe unhappy Miſtakes and Miſunderſtandings: ſo we heartily wiſh, and humbly Petition your Lordſhips, that from the deepneſs of your Wiſdom ſuch happy Motions may flow, as upon that tender care of our Soveraigns Perſon and Authority, Peace and Truth may be ſettled in all His Majeſties Dominions. Although we will not preſume nor take upon us, to preſcribe Laws and Rules to your Lordſhips, yet in all Humility we intreat your permiſſion, to repreſent ſuch Particulars as we conceive, and are very confident, will conduce much to the removing of all theſe Miſtakes betwixt His Majeſty and His Two Houſes of Parliament, and be a ready mean to facilitate a happy and wiſhed Peace, and continue the Brotherly Union between the Two Kingdoms. And*

An. 1643. *And first, that in answering the foresaid Petition your Lordships may be pleased to do no Act, which may give His Majesty just occasion to repent him of what Trust he so Graciously expressed (in his Letter of the Date the fifth of* December) *He reposes in us His Subjects of His Ancient and Native Kingdom; for we cannot think, that our Brethren in* England, *or any others can believe, that the ground of this Mutual Union of the two Kingdoms, by the several and respective Unions to our Prince and Head, should weaken the strong Bond, whereby it is knit, and by which we are so firmly tied, by so many Ages, and unparalelled lineal descents of an hundred and seven Kings. Neither can we suppose, that any good Protestant, or true member of our Church, can imagine, far less seduce others to believe, that by the late Treaty of Peace, or Act of Union, we as* Scotish *Subjects are in any sort liberated from the Dutiful Obedience, which as* Scotishmen *we owe to our* Scotish *King, or from that due Loyalty, which as* Scotish *Subjects we owe to our Native Soveraign, for Maintenance of His Person, Greatness and Authority; or that thereby, we are in any other Condition in these necessary Duties to our Soveraign, than we and our Ancestors were, and have been, these many Ages and Descents, before the making of the said Act, or before the Swearing and Subscribing of our late Covenant, by which we have solemnly sworn, and do swear* not only our mutual Concurrence, and Assistance for the cause of Religion, and to the utmost of our power, with our Means and Lives, to stand to the Defence of our Dread Soveraign His Person and Authority, in the preservation of Religion, Liberty, and Laws, of this Church and Kingdom; but also in every Cause, which may concern His Majesties Honour, we shall according to the Laws of this Kingdom, and Duty of Subjects, concur with our Friends and Followers in quiet manner, or in Arms, as we shall be required of His Majesty, or His Councel, or any having His Authority.

Secondly, That if your Lordships think it fitting, to make any answer to the Parliament of England *their Declaration, your Lordships may be pleased not to declare, enact, or promise, any thing which may trouble or molest the Peace of this Kirk and Kingdom; which by God's special Grace, and His Majesties Favour and Goodness, we enjoy and have established unto us according to our Hearts desire, by the Laws Ecclesiastical or Civil of this Kingdom* respective, *and which His Majesty since, by so many Declarations and deep Protestations hath Sworn to maintain inviolably.*

Thirdly, That your Lordships may be pleased to consider, that as nothing will more diminish His Majesties Greatness, than that this Kingdom should consume in Civil War; so nothing will more conduce to the Suppressing of insolent Papists, *malignant, schismatick, and Disloyal* Brownists, *and Separatists, the special, if not the sole promovers of these unhappy Misunderstandings, than that heartily and freely, without respect of worldly and secondary Considerations, we give to* Christ *what is* Christ's, *and to* Cæsar *what is* Cæsar's; *by means whereof, the Truth and Purity of Religion shall be established, to the utter Confusion of all these Sectaries, true Monarchical Government firmly setled; by which likewise, Laws and Authority shall retain their ancient vigour and force, to the Suppression of all Commotions and tumultuous Conventions, the bane and overthrow of all true Religion and Policy.*

Fourthly, Although there be nothing farther from our minds, than to presume to question, or crave of your Lordships an account of your Actions, knowing perfectly by the inviolable Laws and Customes of this Kingdome, that to be only proper and due to the King and Parliament, from whence you have

that

that great Charge and Truſt delivered unto you: yet we hope your Lordſhips will give us leave, in all Humility to remember your Lordſhips of your Deliverance June 1642. *and are confident, that the ſaid Lords, the Petitioners, neither have, nor ſhall have, neceſſity to trouble themſelves, nor the Council with Supplications of this kind, and that your Lordſhips in your Wiſdom will take ſome Courſe for preventing all occaſions, which may in any ſort diſturb the Peace of this Kingdom, or make Diviſion among the Subjects thereof.* An. 1643.

This Petition was ſigned by a great many Noblemen, and Gentlemen; but though they took much pains to get Miniſters to concur in it, yet none of them could be drawn to it. This Petition was preſented with many hands at it to the Council; and it was obſerved, that as it was written by a truſty Friend of the Marquis's; ſo alſo all his Friends ſigned it, which made the Author ſuſpected, and did ſhew that his Friends adhered (hitherto) to their Duty, and his Example. All the Anſwer the Councellors returned to it, was, that they ſhould be careful to proceed as they ſhould be anſwerable: But the Preachers threatned Damnation to all the Authors and Subſcribers of it, and deteſtable Neutrality became the Head on which they ſpent their Eloquence. The Commiſſion of the General Aſſembly paſſed a ſevere Cenſure on the Croſs Petition, in a Remonſtrance they gave in againſt it, which was anſwered by a Counter-remonſtrance. Upon theſe croſs tides of Petitions, that were offered to the Council, the Conſervatours of the Peace reſolved to ſend ſome Commiſſioners to *London*, to Mediate betwixt the King and the Two Houſes, and endeavour chiefly the Uniformity of Church-Government; for which end the Commiſſion of the Kirk was alſo to ſend their Commiſſioners, to ſecond them in it: and no reſiſtance could be made to this, that was able to obſtruct it. They alſo moved, that the King ſhould be deſired to call a Parliament in *Scotland*. The Marquis and his Friends oppoſed this vigorouſly, not that he was againſt a Parliament, but judged the Motion unſeaſonable; and thought the Time prefixed at the laſt Parliament, for the next, to wit, after three years, needed not be anticipated. It was alſo put in their Inſtructions to their Commiſſioners, to preſs the King to put all Papiſts from his Perſon. The Marquis and his Friends alſo oppoſed this, not upon the account of the thing it ſelf, but becauſe it ſeemed to caſt a Scandal upon the King, as if his Religion were to be ſuſpected. But the Church-party was ſtrongeſt in this Meeting of the Conſervatours, and ſo carried every thing in it. The Safe-conducts being come, they named their Commiſſioners, the Chancellour being the chief of them; and though *Lanerick* in the Kings Name excepted againſt the Lord *Wariſtoun*, and produced the Kings Warrant for it; yet they named him, but were ſo wiſe as not to ſend him. They were alſo ſo diſcreet, that they appointed the Commiſſioners to go firſt to the King. Things being thus determined, *Lanerick* took the ſtart of them; but they were at Court before him, he being detained by a Garriſon of the Parliaments for ſome days.

Many ſign it.

All the Miniſters condemn it.

Commiſſioners ſent to Treat betwixt the King and the Two Houſes.

In the end of *February* he came to *Oxford*, where he gave the King an account of the preſent ſtate of the *Scotiſh* Affairs, and that it was the Advice of His Majeſties trueſt Friends in *Scotland*, that he ſhould entertain the Commiſſioners with the beſt words he could give them; but ſhould not by any means ſuffer them to go to *London*; ſince there were

Lanerick goes to Court, and diſcovers the inclination of the Church-party.

An. 1643. great grounds to fear, they would engage too deep in the Quarrel if they went thither. This Advice agreed ſo with the Kings Inclinations, that it could meet no reſiſtance in his thoughts. When the Commiſſioners arrived they delivered their Meſſage; but the King repeated what was formerly told them, *That* Scotland *and* England *had different Laws and Intereſts, and therefore it was to give the one Kingdom too great an advantage over the other, to ſuffer them to come and be Umpires in the preſent Differences.* They preſſed their Deſires as warmly as they could, but all was in vain, for the King would by no means ſuffer them to go to *London*; and in particular he told the Earl of *Lowdon*, what grounds He had to believe they deſigned to raiſe an Army for the Parliaments Quarrel, and that ſome of his fellow-Commiſſioners would prove Incendiaries rather than Mediators. But *Lowdon* with great Proteſtations denied that they deſigned to raiſe Arms; and ſaid to the King, Theſe were but the Miſrepreſentations, with which the Marquis and his Brother abuſed His Majeſty. As for the Calling a Parliament, the King ſaid he ſaw no reaſon for it, and therefore would not anticipate the Day that was already prefixed for it. But to the Commiſſioners from the Aſſembly, the King gave the following Anſwer; which I ſet down in his own Words, having it written all with His Majeſties own Hand.

HIs Majeſty commends the Zeal of the Petitioners for the advancement of the true Reformed Religion, againſt Hereſy, Popery, Sects, Innovations, and Profanity, and always ſhall uſe His beſt and uttermoſt endeavours, for Advancing the one, and the utter Suppreſſing the reſt.

For the Unity in Kirk-Government, His Majeſty knows, that the Government now eſtabliſhed by the Laws, hath ſo near a relation and intermixture with the Civil State, (which may be unknown to the Petitioners) that till a compoſed digeſted Form be preſented to him, upon a free debate by Both Houſes of Parliament, whereby the Conſent and Approbation of the whole Kingdom may be had, and He and all His Subjects may diſcern what is to be left, or brought in, as well as what taken away, He knows not how to conſent to an Alteration, otherwiſe than to ſuch an Act for the eaſe of Tender Conſciences, in the matter of Ceremonies, as His Majeſty hath often offered.

And His Majeſty hath formerly expreſſed Himſelf (and ſtill continues) willing, that the Debates of Religion may be entred into by a Synod of Learned and Godly Divines, to be regularly choſen, according to the Laws and Cuſtoms of this Kingdom; to which end His Majeſty will be very willing, that ſome Learned Divines of the Kirk of Scotland *may be likewiſe ſent to be preſent, and offer their Reaſons and Opinions.*

This

This was the Succeſs of that Negotiation; but becauſe the Reader may wonder how *Lowdon*, and the Marquis came to be in ſuch terms, I ſhall ſet down the occaſion of their Breach. An. 1643.

When *Lowdon* was to go up, the Marquis reſolved on a Courſe that ſhould either ſtop his Journey, or make him ſo obnoxious to the King, that he ſhould not dare to act contrary to his Duty; which was this. *Lowdon* had purchaſed from the King a Right to the Annuities of the Tythes, that was confirmed to His Majeſty by Act of Parliament, whereupon the Marquis cauſed the following Petition to be drawn by *Traquair's* Advice.

To the Kings moſt Excellent Majeſty, the Humble Petition of the Noblemen, Barons, and Gentlemen, occaſionally met at *Edinburgh*.

Humbly Sheweth,

The Petition againſt the Annuities.

THat whereas Your Majeſty at Your late being in Scotland, *being humbly moved to diſburden and liberate the Subjects of this Kingdom of the Annuity due to Your Majeſty out of the Tythes, were pleaſed in that only Particular to delay to give us our Hearts deſire, and now out of the ſenſe of the great Burdens that lye on us, and in Confidence of the Continuance of Your Majeſties Fatherly Care of the Good of Your Subjects, we preſume humbly to ſupplicate Your Majeſty, to be Graciouſly pleaſed in this Particular to diſpenſe with Your Own Benefit; or at leaſt, till Your Majeſty be informed of the true ſtate thereof, to diſcharge Execution againſt us for the ſaid Annuities. And for Your Majeſties incomparable Goodneſs and Gracious Favours, we ſhall, as in duty bound, behave our ſelves in every thing as becometh Loyal and Faithful Subjects. As we have unanimouſly endeavoured, ſo ſhall we ſtill continue to return ſuch thankful Acknowledgment, as may give to Your Majeſty a real Teſtimony of our zealous Affections to Your Majeſties Sacred Perſon, Honour, and Greatneſs, derived upon Your Majeſty by ſo many unparalelled Deſcents, and as Your Majeſty may expect, and juſtly challenge from the Allegiance of us Your Majeſties moſt obedient and obliged Subjects.*

16th February 1643.

The laſt words of this Petition were by the firſt draught ſo conceived, as would have amounted to a Bond of Mutual Defence and Adherence, which the Marquis thought might draw on a Rupture, and occaſion a purſute as againſt Plotters; therefore, ſince this Paper was to be avowed and publick, he judged ſuch Expreſſions as were ſmooth and general were fitteſt for their Deſign.

This Petition was ſigned by him, and a great many of the Nobility: he alſo ſent it up and down, all the places where he or his Friends had Intereſt, to get Subſcriptions to it. This was generally lookt upon as a well-couched Bond, both by ſuch as took it, and thoſe who refuſed it; and yet this ſmoothing of the Expreſſions of it, was repreſented by the Marquis's Enemies, as done in prejudice to the Kings Service. Theſe Petitions were ſent immediately to the King; upon which great Com-

An. 1643. Complaints were made, as if by theſe immediate Addreſſes, the Judicatories of *Scotland* had been neglected: but the King juſtified that part of it in an Anſwer he wrote to the Council; and for the thing it ſelf, he reſolved to keep *Lowdon* under the fear of it, and therefore delayed to make any Anſwer.

The Queen lands in *England*, and *Montroſe* waits on Her, and offers his Service.

In the end of *February* Her Majeſty landed at *Burlingtown*, whither the Earl of *Montroſe* went to repreſent to Her the hazard of a new Rebellion in *Scotland*, and that the only way to prevent it, was to take the ſtart of them before they were ready; and with a great deal of forwardneſs offered his Service in that Deſign, adding, that he had great Aſſurances of a conſiderable Party, who he knew would own the Kings Quarrel: but he did not condeſcend on the particular way of proſecuting it, ſo that the Queen was not ſatisfied of his being able to effectuate what he undertook. Mean-while the Marquis hearing of Her Majeſties Landing, went to wait on Her, to whom She propoſed the Earl of *Montroſe*'s Offer; but he ſtudied by all means to divert Her from liſtning to it, upon the following Grounds.

The Marquis goes to Her, and diſſwades the precipitating a Rupture with *Scotland*.

The King had ſettled a Treaty with *Scotland*, and till that were violated on their part, he knew His Majeſty would never conſent to a Rupture on his part: and the King had ſo often and ſo lately, in his Letters and Declarations, proteſted, he was reſolved unalterably to adhere to the late Settlement; that if he ſhould now authorize the firſt Breach, it would bring an indelible ſtain upon his Honour, and create a perpetual Diffidence in his Subjects of all his Conceſſions and Aſſurances. He confeſſed he had great Fears of *Scotland*, and therefore would undertake for nothing but his own Faithfulneſs, and Diligence; yet he hoped to get things kept in Agitation all that Summer, ſo that for that Year there ſhould not be a *Scotiſh* Army in *England*. But that was the utmoſt of his Hopes; yet it was much fitter to ſpin out things as long as could be, than to precipitate them by an over-haſty Rupture: beſides, he could not ſee, how any Hopes could be conceived from that deſign of Force. There was never a Caſtle nor Strength in *Scotland* in the Kings Power, to which they might retire. The Vulgar were ſtill at the Miniſters devotion, and by late and freſh experience they ſaw them all as one man reſolved to die in the Defence of the Covenant; and any handful of Gentry could be gathered together, would ſignifie nothing, but to expoſe their own Throats to their Enemies Rage, and the Kings Authority to their Hatred and Scorn: ſo there remained no hopes but in the *Highland-men*, which he accounted as good as none. Their two chief Heads were the Marquiſſes of *Huntley* and *Argyle*; the former was not to be much reſted on, being unable to do what ſo briſk an Undertaking required, and they knew well what to expect from the other. Beſides, any Companies could be brought down from the High-lands, might do well enough for a while; but no Order could be expected from them, for aſſoon as they were loaded with Plunder and Spoil, they would run away home to their Lurking-holes, and deſert thoſe who had truſted to them. Aud after all this, there was a *Scotiſh* Army in *Ireland*, which was now well trained and diſciplined, conſiſting of ten thouſand men, who were for the moſt part at the Covenanters devotion, and theſe would be inſtantly brought over, there being no way to ſtop their Paſſage: and it was not to be imagined, that any Body of an Army could be raiſed in *Scotland* able to reſiſt that Force. Upon theſe

theſe Reaſons it was, that he not only diſſwaded the Queen from conſenting to a preſent Breach, but reſiſted it as long as was poſſible; yet he undertook for none but himſelf, of which he put the Queen frequently in mind, and the utmoſt of his expectation was to drive off Matters for that Year. And in this both my Lord *Traquair* and Mr. *Murray* concurred with him, and deſired the whole Matter might be laid before His Majeſty, that his Pleaſure might be made known about it; but after a few days waiting on the Queen, the Marquis returned back to *Scotland*. *An.* 1643.

The *Scotiſh* Commiſſioners continued all this while at *Oxford*, giving in Papers, and receiving Anſwers, but advancing nothing; and the laſt Anſwer they got from His Majeſty the 19th of *April*, containing both the Subſtance of their Papers, and of His Majeſties former Anſwers, will give a clear account of the Grounds on which His Majeſty went. The Paper follows. The Commiſſioners at *Oxford* get their laſt Anſwer.

IT is acknowledged by His Majeſty, that if any one of the Articles of Treaty had been broken or violated, (as His Majeſty doth not ſo much as ſee pretended) or any Debate or Difference had riſen thereupon, (about which there is now no Diſpute) the Commiſſioners had then been not only warranted, but obliged to have laboured to prevent all Troubles and Diviſions, which might ariſe by ſuch a Breach to the diſturbance of the Common Peace, and to remove and compoſe all ſuch Differences, according to ſuch Power as was granted to them: but till His Majeſty be ſatisfied, that Authority (by ſome Law) is given to the Commiſſioners for Conſerving the Articles of Treaty, to repreſent His Majeſties Native Kingdom of Scotland, *in this Offer of Mediating for a deſired and bleſſed Pacification here; His Majeſty cannot ſee how the pious, dutiful, provident or charitable, Concernment of that Kingdom in the Calamities of this, or their Sympathy and ſenſe of the Troubles of their Head, and fellow-Subjects, can intereſs the Commiſſioners, any more than any other of His good Subjects of that Kingdom, to beſtir themſelves in Matters of that kind: or why any ſuch Endeavours ſhould be by any (much leſs univerſally) expected from them; ſo far is he from ſeeing that any undeclinable Neceſſity conſtrained them to it. And ſince the expreſs words of the Act of Pacification it ſelf are, that the Power of the Commiſſion ſhall be reſtrained to the Articles of Peace concluded in the Treaty, His Majeſty cannot but wonder, whence they can pretend any Obligation or Authority to meddle with, or preſs him concerning any ſuch Articles, as are not included, but ſtill left dependent, how important ſoever they ſuppoſe them to be, (even to the Common Peace:) And it giving them only liberty to convene to that effect among themſelves, or with the Commiſſioners choſen by His Majeſty with conſent of the Parliament of* England, *and reſtraining them in all their Proceedings to the Power granted to them, in manner aforeſaid and no otherwiſe, as clearly intending to reſtrain all Power that might be pretended to by any Inferences, Analogies or Conſequences (how manifeſt ſoever they might appear) and requiring them to conſiſt of the number of Twelve, and not giving them Power to delegate a ſmaller number; His Majeſty cannot conſent, That that number the Laws allow not (that is, Three) ſhould addreſs themſelves to thoſe the Law hath not appointed them (this is, Both Houſes) not only concerning that which the Law intruſted not to them, (as a Pacification here) but even concerning that from which the Law expreſly reſtrains them, that is, one of the Articles of the Treaty no way concluded, or agreed on, but expreſly reſerved by the Parliament to be conſidered in due time, that is, in their*

An. 1643. *their own time, Concerning Church-Government, the intermixture of which with the Civil State, as His Majeſty ſtill conceives to be very great, and of very high concernment, and not to be underſtood by the Commiſſioners, who have not the knowledge of the Laws and Policy of this Kingdom; ſo His Majeſty is confident, (notwithſtanding the Declaration, and Bill aboliſhing the Order of Biſhops) that if they well knew, how generally any thing of that kind was oppoſed whilſt the Houſes continued full, and how the Major part of Both Houſes were abſent at the paſſing of that Declaration and Bill, (in ſo much that His Majeſty, is credibly informed, that there were not above five Lords preſent when the Bill paſt) and what violent and tumultuous Aſſemblies had occaſioned ſo great and unuſual Abſence, they would be confident, as he is, that in a full and peaceable Convention of Parliament, Both Houſes will appear to be of the ſame opinion with His Majeſty in this Particular, and to have in that the ſame thoughts of the Law and Policy of this Kingdom.*

His Majeſties care that the deluge of the Troubles of this Kingdom affect not that with the danger of the like, is very viſible to all the World. His Majeſty out of His great deſire of continuing them in Peace and Tranquillity, not deſiring any aſſiſtance from them, even for His Own Preſervation. And who ever doth deſire any Commotion there, to aſſiſt their Rebellious and Invaſive Armes here, will (He hopes) be lookt upon as the Troublers of Peace, and as Incendiaries labouring to lay foundations of perpetual Hoſtility betwixt the Two Kingdoms. And then (for ought His Majeſty can ſee) there will be no cauſe to expect any Commotions there, and ſuch Dangers will rather prove imaginary than real, though the Conſervatours of the Treaty contain themſelves within their legal and proper Bounds. His Majeſty wonders, that ſince His approbation of their Mediation was deſired when His Safe-conduct was asked, and the firſt was not given, when the latter was, that it ſhould not have been eaſily ſeen by theſe Proceedings of His Majeſties, that as He never granted the firſt, (as ſeeing no Authority they had for ſuch a Mediation) ſo He only at laſt granted the other, as being contented to hear what they could ſay to Him upon that Point, either as private perſons, or to give Him better ſatisfaction than He could give Himſelf, what Right they could pretend to any Publick Capacity of that kind: but having heard all they have offered, and not finding any thing that warrants them in this, in any ſpecial manner above His Majeſties other Subjects, His Majeſty cannot with reaſon admit of any private Perſons whatſoever into ſuch a Publick Capacity, nor with His Own Dignity, and that of this Nation, can allow His Subjects of another Kingdom, not authorized by any Law, to make themſelves (under the title of a Mediation) Umpires and Arbitrators of the Differences here.

For the Calling of a Parliament in Scotland, *His Majeſty deſires to know what Promiſe of His it is, which they mention Him to have Particularly expreſſed to His late Parliament. The Law which His Majeſty then Graciouſly paſt concerning that Point, His Majeſty well remembers, (and will juſtly, punctually, and religiouſly obſerve it together with all the reſt conſented to by Him,) that the Parliament there ſhall convene upon the firſt* Tueſday *of* June, 1644. *And, according to the ſame Act, will appoint one betwixt this and that Day, if His Majeſty ſhall think fitting; who as He is by that very Law expreſſed to be ſole Judge of that Convenience, ſo the Commiſſioners are neither by that, nor any other Law, entruſted, or enabled to Judge thereof.*

At Oxford, 19th of April. 1643.

In

In the beginning of *April* Reports came to *Scotland*, that their Commiſſioners at *Oxford* were under Reſtraint; whereupon the Conſervatours met, and ordered their ſpeedy Return. The Marquis wrote alſo to the King, that their Return ſhould be by no means ſtopped, or delayed; otherwiſe he might expect preſent Diſorders in *Scotland*: but withall he told him, he apprehended upon their Return, ſome great Reſolution would be taken; therefore he deſired His Majeſty would ſend down all the *Scotiſh* Lords that were about him, who might by their Votes in Judicatories, or by their Intereſt in the Country, advance the Kings Service in *Scotland*. He likewiſe deſired His Majeſty might divide his Truſt in *Scotland* among thoſe Noble perſons, whoſe Fidelity he did not ſuſpect, that thereby both himſelf might be delivered from the *odium*, and danger of acting alone in ſuch tender Points, and in that tickliſh Time; as alſo for a further Encouragement of thoſe, who were reſolved to adhere to His Majeſty: and with this he wrote the following Letter to Her Majeſty then at *York*, under whoſe Addreſs his Letters to the King were to go. *An.* 1643.

The Commiſſioners recalled to *Scotland*.

The Marquis adviſeth the King to joyn others with him in publick Truſt,

May it pleaſe Your Majeſty,

THere is as yet ſmall or no Alteration in the Condition of Affairs in the Country, ſince I preſumed to trouble Your Majeſty laſt; nor do I believe there will be any till the fourth of May, *at which time it is probable, the final Reſolution of the Council and Commiſſioners for Conſerving the Articles of the Treaty will be taken. It is ſtill conceived, that His Majeſties abſent Servants would be of great uſe at that time; and the uncertain knowledge, if they will come or not, keeps us that are here, from a poſitive Reſolution what Courſe to take therein; therefore I humbly beſeech Your Majeſty, let us know if by appearance we may expect them or not.* and writes to the Queen.

There is a general noiſe, as if the Lord Chancellour and the reſt of the Commiſſioners, were not only kept as Priſoners, but in ſome further Danger. By Mungo Murray *Your Majeſty was advertiſed, that it was conceived fit, that ſeeing thoſe that ſent them had ſo poſitively recalled them againſt the fourth of* May, *they ſhould be diſpatched againſt that Time. In our opinions there was no Danger now to be apprehended by their Home-coming, but there would ariſe great Inconveniences if they ſhould be detained: of that ſame Judgment we continue to be ſtill.*

We do likewiſe humbly intreat, that we may know, if what was propoſed to Your Majeſty by my Lord of Traquair, *Mr.* Murray *and my ſelf, be come to His Majeſties knowledge: and if we may expect the ſignification of his Pleaſure againſt the fourth of* May, *in theſe Particulars, which we exceedingly wiſh.*

By the Lord Montgomery *Your Majeſty will know, how far the General hath promiſed his beſt Endeavours, that His Majeſty ſhall receive no prejudice from the Army under his Command in* Ireland; *the ſame he hath confirmed to me with deep Proteſtations, and truely I take him to be a man of that Honour that he will perform it.*

But the Truth is, it will be a Work of great difficulty to keep theſe Men there any time, ſeeing there is little appearance that Money will be got from the Parliament of England, *and how to raiſe any conſiderable Sum here, as yet we ſee not; ſo even in this we deſire to know Your Majeſties Pleaſure and Directions, what Courſe will be fiteſt to be taken; and if Your*

Majeſty

An. 1643. *Majeſty ſhall find it expedient, that we engage our Fortunes for their Supply, many of us will do it to the laſt Peny, and none more readily than,*

Peebles, 21ſt April, 1643.

May it pleaſe Your Majeſty,
the humbleſt, moſt faithful, and moſt obedient, of all Your Majeſties Servants,

HAMILTON.

The Commiſſioners are not ſuffered to go to *London*, and returned to *Scotland.*

But at *Oxford* the Commiſſioners inſiſted warmly, for a Permiſſion to go to *London* for Mediating; and His Majeſty perſiſting in his Refuſal, the Lord Chancellour reſolved on making a Proteſtation, that His Majeſty, by not ſuffering them to go to *Weſtminſter*, had violated the Safe-conduct. My Lord *Lindſay*, who was ordered to come from *London*, and ſecond the Chancellour in this Negotiation, did all he could to divert him from that Reſolution; but the other ſaid, he had poſitive Orders from *Scotland*: he was alſo peekt with the Petition about the Annuities, and got a great diſguſt by a Letter of his Ladies, which not coming under a right Cover had been intercepted, and brought to His Majeſty, wherein ſevere things were ſaid againſt the Kings Cauſe and Party; and particularly the Marquis was bitterly enveighed againſt, for having given himſelf up ſo intirely to the Kings Service, that he deſigned the Ruin of all who oppoſed it. The Chancellour came, and made his laſt Addreſs to the King, for liberty to enter on a Mediation betwixt Him and the Two Houſes: adding, that if that were denyed, he would be conſtrained to Proteſt in the Names of them who ſent him, that His Majeſties Conduct was violated. But the King was not ſhaken with it, only he took the Chancellour apart, and uſed many perſwaſions to divert him from it, and made him great Offers if he would comply with his Deſires: for the King apprehended, that it might have precipitated a Breach betwixt Him and *Scotland*. But the Chancellour ſaid, he acted by a Truſt committed to him, which he muſt diſcharge faithfully, and obey the Orders ſent him, from thoſe in whoſe Name he came; and ſaid much to aſſure the King, there was no deſign in *Scotland* to own the Quarrel of the Two Houſes againſt His Majeſty, and proteſted, he ſhould die rather than concur in ſuch Courſes. But this did not ſatisfie His Majeſty, whereupon finding the Chancellour could not be wrought upon, his next Attempt was upon *Lindſay*, to whom he ſpake with more Freedom, and told him in how great a Strait he was; for it ſeemed, if he refuſed to allow their going to *Weſtminſter* a Breach might follow betwixt him and his Native Kingdom: but on the other hand, he could not permit them to go, both becauſe of the Reaſons he had alledged, and the Fears he had of their engaging with the Parliament; and chiefly, that all his Councellours and Officers at *Oxford* were ſo far againſt it, that he heard it was whiſpered amongſt them, that they would all forſake him if he gave them leave, ſince they held themſelves aſſured that the Deſign of their going was to bring an Army from *Scotland*: wherefore he intreated *Lindſay* would ſerve him in that Particular, which he undertook frankly, though he added he had ſmall hopes, ſince he had already attempted as much as he could with no Succeſs. But as he left His Majeſty, he made a Viſit in his way to his Lodgings, where he met the Earl of *Crawford*, who told him plainly, That though the King

ſhould

ſhould conſent to their going to *London*, thither ſhould they never get; for a great many were reſolved to lie in their way, and cut them all to pieces ere they were many miles from *Oxford*. This he confirmed to him with many Oaths, adding, that as the King knew nothing of it, ſo it would not be in his power to hinder it; and out of kindneſs to my Lord *Lindſay*, he adviſed him not to go, though the Chancellour went. With this *Lindſay* came to his Lodgings, and ſhewed the Lord Chancellour the hazard, not only their Lives would be in, but of the irreparable Breach would follow upon it; which being conſidered by them, it was reſolved they ſhould paſs from their Deſires, and crave the Kings Commands for *Scotland*, ſince they would not offend him by the importunity of an unacceptable Mediation; which they accordingly did, to His Majeſties great ſatisfaction. And ſo they took leave, the Chancellour with the other Commiſſioners going for *Scotland*; only *Lindſay* returned to *London*. Upon this His Majeſty ſent all the *Scotiſh* Lords, then at Court, to *Scotland* to ſerve him there, who were the Earls of *Morton*, *Roxburgh*, *Kinnoul*, *Annandale*, *Lanerick*, and *Carnwath*; but before they could be diſpatched, he ſent Mr. *Murray* to *Scotland* with an account of his opinion about the Services his Friends might do him there; who came by *York*, and brought from the Queen the following Letter to the Marquis, in anſwer to what he had written to Her Majeſty: which (though written in *French*, as all Her private Letters were, yet) I ſhall ſet down, tranſlated in *Engliſh*, that all may run more ſmoothly. *An.* 1643.

Couſin,

I *Received your Letter with the aſſurances of the Continuance of your Affection, of which I hold my ſelf ſecure, and make no doubt to ſee both the effects of it, and of that which you promiſed me at your parting, concerning my Lord of* Argyle. Will. Murray *came yeſterday from* Oxford: *as for News from hence, I refer you to* Henry Jermine, *who will give you an account of them; I ſhall only tell you, that the* Scotiſh *Lords, who were with the King, are on their way for* Scotland, *ſo likewiſe are the Commiſſioners that were with the King. You will know from* Will. Murray *the Kings Anſwers, to the Propoſitions which you made me at* York. *I am very glad to know by Your Letter, as likewiſe by what my Lord* Montgomery *hath told me, the Proteſtations General* Leſly *makes concerning the Armies in* Ireland; *and now when all the Kings Servants ſhall be together, you muſt think of the means for preſerving that Army: for my part I know not what to ſay farther about it, I am now upon my going to the King, and hope to part hence within ten dayes. If there be any thing that hath occurred of late, I ſhall be glad to know it, and that you will believe how much I am*

Your affectionate Couſin and Friend,

HENRIETA MARIA R.

An. 1643. About the beginning of *May*, *Lowdon* and the other Commissioners came down, and a day after them came the Earl of *Morton*, who told the Marquis, that in a few days he should see the Earls of *Roxburgh*, *Kinnoul*, and *Lanerick*, with the Kings Instructions; but by reason of *Kinnoul*'s Infirmity, and *Roxburgh*'s Age, they moved slowly. On the 21th of *May* the *Junto* of the Church-party moved, that there might be a Joynt-meeting of the Council and Conservatours of the Peace, and Commissioners for Publick Burdens, to consider of the present State of Affairs. The Marquis and *Morton* resisted this all they could, but they were over-ruled, and so these Judicatories met: to them it was proposed, that considering the hazard the Nation was in, by reason of Armies, which were now levying in the North of *England*, there was a necessity of putting the Kingdom in a posture of Defence, which could not be done without a Convention of Estates or a Parliament; wherefore it was moved, that a Convention of Estates should be presently called. The Marquis argued much against it, shewing that this was to encroach upon the Kings Prerogative in the highest degree, and so would be a direct Breach of the Peace with the King, and against the Laws of the Land; adding, Was this all the Acknowledgment they gave the King for his late Gracious Concessions, for this struck at the root of his Power? In this he was seconded by my Lord *Morton*, but most vigorously by Sir *Thomas Hope* the Kings Advocate, who debated against it so fully, from all the Laws and constant Practice of *Scotland*, that no Answer could be alledged; and indeed discharged his Duty so faithfully, that the Marquis forgave him all former errors for that dayes Service. But it was in vain to argue, where the Resolution was taken on Interest more than Reason; so it was carried, that the Lord Chancellour should summon a Convention of Estates against the 22th of *June*.

They proceed to final Resolutions in *Scotland*.

A Convention of Estates is called.

This Resolution being taken, they gave Advertisement of it to the King in the following Letter, which all who Voted against it refused to sign.

Most Dread Sovereign,

THe extreme necessity of the Army, sent from this Kingdom by Order from Your Majesty and the Parliament here, against the Rebellion in Ireland; *the want of means for their necessary Supply, through the not payment of the Arrears and Maintenance due to them by the Parliament of* England; *the delay of the Payment of the Brotherly Assistance, so necessary for the relief of the Common Burdens of this Kingdom, by reason of the unhappy Distractions in* England, *and the sense of the danger of Religion, of Your Majesties Royal Person, and of the Common Peace of Your Kingdoms, have moved Your Majesties Privy Council, the Commissioners for conserving the Peace and Common Burdens, to joyn together in a Common Meeting, for acquitting our selves in the Trust committed to us by Your Majesty and the Estates of Parliament; and having found after long Debate, and mature Deliberation, that the Matters before-mentioned are of so Publick Concernment, of so deep Importance, and so great Weight, that they cannot be determined by us, in such a way, and with such hope of Success, as may give satisfaction to Your Majesty, serve for the good of this Your Majesties Kingdom, and as may make us answerable to the Trust committed to us by Your Majesties Parliament; We have been constrained to crave the advice and resolution of a Convention of the Estates to meet* June 22th, *which, as according*

to

to the obligation and duty of our Places we are bound to ſhew Your Majeſty An. 1643.
ſo do we humbly intreat, that againſt the Time agreed upon by Common Conſent, Your Majeſty may be Graciouſly pleaſed to acquaint us with Your Pleaſure and Commandments, that Matters may be ſo determined, as may moſt ſerve for the Honour of God, Your Majeſties Service, and Well of Your Kingdomes; which now is, and ever ſhall be, the earneſt deſire and conſtant endeavour of

Edinburgh 12th May 1643. Your Majeſties faithful and humble Subjects and Servants,

Lowdon Cancellarius,

Leven	Yeſter	T. Myrton	J. Home	Edward Edgar
Argyle	Burghley	Tho. Hope	T. Wauchop	J. Binny
Caſſilis	Balcarres	A. Johnſtoun	T. Raffrerland	W. Glendoning
Dalhouſy	Gibſon-	T. Hepburne	T. Bruce	Hugh Kennedy
Lauderdale	Dury	J. Hamilton	J. Smith	G. Gourdon
Balmerino				

Three dayes after this came the Lords who were ſent down, who being all met, *Lanerick* delivered the following Inſtructions from His Majeſty.

CHARLES R.

Inſtructions to Our Right Truſty and Well-beloved Couſins and Councellours, *James* Marquis of *Hamilton*, *William* Earl of *Glencairn*, *Robert* Earl of *Roxburgh*, *George* Earl of *Kinnoule*, *David* Earl of *Southesk*, *William* Earl of *Lanerick*. Inſtructions for the Lords that were truſted by His Majeſty.

I. *THat you endeavour by all fair and lawful Means to prevent Diviſion among Our Subjects in* Scotland.

II. *That you give all the Aſſurances in Our Name which can be deſired, of Our Reſolution to preſerve inviolably the Government of that Kingdom, as it is now eſtabliſhed by Aſſemblies and Parliaments.*

III. *That you take what Courſes you ſhall think moſt fit, for cauſing Print and Publiſh, either in* Scotland *or at* York, *Our Declaration which We now ſend with you to that Our Kingdome, and all ſuch other Papers as We ſhall hereafter ſend thither, or which you ſhall conceive may conduce to the good of Our Service; and for that purpoſe, make uſe of ſuch Blanks as We have thought fit to entruſt you with.*

IV. *That ſeeing We perceived by* Pickering's *Letters, Our Two Houſes of Parliament intend to ſend Commiſſioners or Agents to* Scotland, *you ſhall endeavour by all fair Means, to hinder any of Our Judicatories to Treat with them, and for that purpoſe make uſe of any of the foreſaid Blanks.*

V. *That ſeeing We conceive it would exceedingly conduce to the good of Our Service, that the Lords of Seſſion would explain the Commiſſion granted by Us and Our Parliament to the Conſervatours of the Treaty, you ſhall for that purpoſe likewiſe make uſe of the foreſaid Blanks, either to them all in gene-*

An. 1643. *al, or to ſuch of them in particular as you ſhall think moſt fit.*

VI. *That you endeavour to hinder the liberty which (poſſibly) Miniſters may take to themſelves in the Pulpits, of Cenſuring Our Actions, or ſtirring up the People againſt Us, and to that purpoſe make uſe of the ſaid Blanks to the Council or Commiſſioners of the Aſſembly, as you ſhall think neceſſary.*

VII. *That in caſe you apprehend any danger to Our Service from the Return of the* Scotiſh *Army in* Ireland, *you ſhall declare Our readineſs, to contribute any thing which is in Our Power for the Maintenance thereof, even to the Engaging of Our Revenues in* Scotland, *for raiſing Moneys to be ſo imployed; and to that end you ſhall make uſe of the foreſaid Blanks.*

VIII. *If you ſhall find it neceſſary, you ſhall likewiſe make uſe of ſome of the Blanks to the Council, declaring expreſly Our Pleaſure, That that Army ſhall not be recalled until We be acquainted therewith, and to the Earl of* Leven, *diſcharging him to obey any Orders whatſoever for that end, until he know Our further Pleaſure.*

IX. *If you ſhall find it neceſſary, you ſhall make uſe of ſome Blanks to Our Council, recalling all former Commiſſions which have been granted, for Levying and Tranſporting of Men out of that Kingdom over to* France *or* Holland.

X. *You ſhall make uſe of theſe Blanks to ſome of Our Council and Exchequer, for diſcharging the Arrears, and diſpoſing a plenary Right of the Annuities to thoſe particular perſons that have Petitioned Us thereabout, and to ſurceaſe all execution againſt all others until the* 31th *day of* Auguſt *next.*

XI. *You ſhall make uſe of theſe Blanks to ſuch of Our Council and others, as you ſhall find fit, for encouraging them to attend the Meetings of Our Council, and to continue the Teſtimonies of their Affection to Our Service, with aſſurance of Our Reſentment thereof.*

XII. *We do hereby authorize Our Secretary the Earl of* Lanerick, *by your Advices to fill up theſe Blanks, and to Sign them with Our Court-Signet; and for his and your ſo doing, this ſhall be your Warrant.*

From *Oxford* the 21th *April* 1643. C. R.

Beſides this, *Lanerick* told that it was the Kings poſitive Pleaſure, that the firſt Breach ſhould not come from his Party; but they ſhould draw out things as long as was poſſible, before they hazarded on a Rupture.

As for the Kings Declaration, the firſt draught whereof is extant, marked and corrected by the Kings Hand, it being ſo home and clear, though very long, I ſhall not contract it, but ſet it down at length.

His

An. 1643.

His Majesties *Declaration* to all his loving Subjects in His Kingdom of *Scotland.*

CHARLES R.

AS there hath been no mean left unattempted which the malice and wit of Rebellion could devise, to infect and poyson the Affections and Loyalty of Our good Subjects of Our Kingdom of England, *and to withdraw their Hearts from Us by the most pernicious and desperate Calumnies, that could be invented to under-value and lessen Our Reputation with Foreign Princes, by Injuries and Affronts upon their Publick Ministers, and by presuming to send Agents qualified for Negotiation without Our Consent, and in truth, to expose Us, and Our Royal Authority to Scorn and Contempt, by assuming a Power over Us; so the pernicious Contrivers of these bloody Distempers have not delighted in any Art more than in that, by which they have hoped to stir up Our good Subjects of that Our Native Kingdome of* Scotland *to joyn with them, and to infuse in them a jealousie and disesteem of Our true Affection, and Our Gracious Intentions towards that Nation. To this purpose they have used great Industry to convey into that Our Kingdom, and to scatter and disperse there divers Seditious Pamphlets, framed and contrived against Our Person and Government, and have sent Agents of their own to reside there; and to promote their Designs, one of whom lately resident there, one* Pickering, *by his Letters of the* 9th *of* January *to Mr.* Pym, *assures him of the Concurrence of that Kingdom, and that the Ministers in their Pulpits, do in downright terms press the Taking up of Arms, and in another of his Letters to Sir* John Clotworthy, *sayes, that the Trumpet sounded to the Battel, and all cryed,* Arm, Arm, *with many other bold, scandalous, and seditious Passages, very derogatory from the Duty and Affection, which We are most confident Our good Subjects of that Our Native Kingdom bear to Us. To this purpose they traduce Us with raising and making War against Our Parliament, of having an Army of Papists, and favouring that Religion; of endeavouring to take away the Liberty and Property of Our Subjects: and upon these grounds they have presumed by a Publick Declaration to invite Our good Subjects of Our Kingdom of* Scotland *to joyn with them, and to take up Arms against Us their Natural Liege Lord. Lastly, to this purpose they endeavour, as well in Publick as by secret Insinuations, to beget an apprehension in them, that if We prevail so far here, as by the blessing of God to preserve Our self from the Ruine they have designed to Us, the same will have a dangerous influence upon that Our Kingdom of* Scotland, *and the Peace established there; and that Our good Laws lately established by Us for the Happiness and Welfare of that Our Native Kingdom will be no longer observed, and maintained by Us, than the same Necessity, which they say extorted them from Us, hangs upon Us, but that We will turn all our Forces against them: a Calumny so groundlesly and impiously raised, that if We were in any degree conscious to Our Self of such wicked Intentions, We should not only not expect a dutiful Sense, in that Our Native Kingdom, of Our Sufferings; but should think Our Selves unworthy of so great Blessings, and eminent Protection as We have received from the hands of the Almighty, to whom We know*

We

An. 1643. *We muſt yield a dear Accompt for any Breach of Truſt, or failing of Our Duty toward Our People.*

But as We have taken ſpecial Care, from time to time to inform Our good Subjects of that Our Native Kingdom of the Occurrences here, particularly by Our Declaration of the 12th *of* Auguſt, *wherein is a clear, plain Narration of the beginning and progreſs of Our Sufferings to that time; ſo the bold and unwarranted Proceedings of theſe Deſperate Incendiaries, have been ſo publick to the World, that Our good Subjects of* Scotland *could not but take notice of them, and have obſerved, that after We had freely and voluntarily conſented to ſo many Acts of Parliament, as not only repaired all former Grievances, but alſo added whatſoever was propoſed to Us, for the future benefit and ſecurity of Our Subjects; inſomuch as in truth there wanted nothing to make the Nation compleatly Happy, but a juſt ſenſe of their own excellent Condition, a few diſcontented, ambitious, and factious Perſons ſo far prevailed over the Weakneſs of others, that inſtead of receiving that return of Thanks and Acknowledgment, which We expected and deſerved, Our People were poyſoned with Seditious and Scandalous Fears and Jealouſies concerning Us; We were encountered with more unreaſonable, and importunate Demands, and at laſt were driven through Force and Tumults to flee from Our City of* London, *for the Safety of Our Life. After which We were ſtill purſued with unheard-of Inſolences and Indignities, and ſuch Members of either Houſe as refuſed to joyn in theſe unjuſtifiable Reſolutions, were driven from theſe Councils, contrary to the Freedom and Liberty of Parliament, inſomuch that above four parts of five of that Aſſembly was likewiſe forced, and are ſtill kept from thence; Our Forts, Towns, Ships and Arms, were taken from Us, Our Money, Rents, and Revenue ſeized and detained; and that then a powerful, and formidable Army was raiſed, and conducted againſt Us, (a good part of which was raiſed and muſtered, before We had given Our Commiſſions for Raiſing one Man) that all this time We never deny'd any one thing, but what by the known Law was unqueſtionably Our Own; That We earneſtly deſired and preſſed a Treaty, that ſo We might but know at what price We might prevent the Miſeries and Deſolation that were threatned; That this was abſolutely and ſcornfully refuſed and rejected, and We compelled with the aſſiſtance of ſuch of Our good Subjects as came to Our Succour, to make uſe of Our Defenſive Arms for the Safety of Our Life, and Preſervation of Our Poſterity. What paſſed ſince that, Battel hath been given Us, Our Own Perſon and Our Children endeavoured to be deſtroyed, thoſe unheard-of Preſſures have been exerciſed upon Our poor Subjects by Rapine, Plundering, and Impriſonment, and that Confuſion which is ſince brought upon the whole excellent Frame of the Government of this Kingdome, is the Diſcourſe of Chriſtendom. We are very far from making a War with, or againſt Our Parliament, of which We Our Selves are an eſſential part: Our principal Quarrel is for the Priviledges of Parliament, as well thoſe of the Two Houſes as Our Own; if a few Perſons had not, by Arts and Force, firſt awed, and then driven away the reſt, theſe Differences had never ariſen, much leſs had they ever come to ſo bloudy a Deciſion. We have often accuſed theſe Perſons againſt whom Our Quarrel is, and deſired to bring them to no other Trial than that of the Law of the Land, by which they ought to be tried. As We have been compelled to take up theſe Defenſive Arms for the Safety of Our Life, aſſaulted by Rebellious Arms, the Defence of the true Reformed Proteſtant Religion, ſcornfully invaded by* Brownifts, Anabaptiſts, *and other* Independent *Sectaries, (who in truth*

are

are the principal Authors, and ſole Fomenters of this unnatural Civil War) for the Maintenance of the Liberty and Property of the Subjects, maliciouſly violated by a vaſt unlimited Arbitrary Power, and for the Preſervation of the Right, Dignity, and Priviledges of Parliament, almoſt deſtroyed by Tumults and Faction: ſo what hath by Violence been taken from Us, being reſtored, and the Freedom of Meeting in Parliament being ſecured, We have lately offered (though We have not been thought worthy of an Anſwer) to Disband Our Army, and leave all Differences to the Tryal of a full and peaceable Convention in Parliament, and We cannot from Our Soul deſire any Bleſſing from Heaven more, than We do a peaceable and happy End of theſe unnatural Diſtractions. An. 1643.

For the malicious groundleſs aſperſion of having an Army of Papiſts; though in the Condition and Strait to which We are brought, no man had reaſon to wonder if we received aſſiſtance from any of Our Subjects of what Religion ſoever, who by the Laws of the Land are bound to perform all offices of Duty and Allegeance to Us; yet it is well known, that We took all poſſible Care, by Our Proclamations, to inhibit any of that Religion to repair to us, which was preciſely and ſtrictly obſerved (notwithſtanding even all that time We were traduced as being attended by none but Papiſts, when in a Month together there hath not been one Papiſt near Our Court) though great numbers of that Religion have been with great alacrity entertained in that Rebellious Army againſt Us, and others have been ſeduced, to whom We had formerly denied Imployment, as appears by the examination of many Priſoners, of whom We have taken Twenty and Thirty at a time, of one Troop or Company, of that Religion. What Our Opinion is of that Religion, Our frequent Solemn Proteſtations before Almighty God, who knows Our Heart, do manifeſt to the World; And what Our Practice is in Religion, is not unknown to Our good Subjects of that Our Native Kingdom. And as We have omitted no way, Our Conſcience and Underſtanding could ſuggeſt, to be for the promoting and advancing the Proteſtant Religion; ſo We have profeſſed Our readineſs in a full and peaceable Convention of Parliament, to conſent to whatſoever ſhall be propoſed by Bill, for the better Diſcovery and ſpeedier Conviction of Recuſants, for the Education of the Children of Papiſts by Proteſtants in the Proteſtant Religion, for the prevention of the Practices of Papiſts againſt the State, and the due Execution of the Laws, and true Levying of Penalties againſt them; ſo We ſhall further embrace any juſt Chriſtian Means to Suppreſs Popery in all Our Dominions, of which Inclination and Reſolution of Ours, that Our Native Kingdom hath received good evidence.

For the other malicious and wicked Inſinuations, that Our Succeſs here upon the Rebellious Armies raiſed to deſtroy Us, will have an influence upon Our Kingdom of Scotland, *and that We will endeavour to get looſe from thoſe wholſom Laws which have been enacted by Us there, We can ſay no more, but Our good Subjects of that Kingdom well remember, with what Deliberation, Our Self being preſent at all the Debates, We conſented to theſe Acts: and We do aſſure Our Subjects there, and call God Almighty to witneſs of the uprightneſs and reſolution of Our Heart in that point, that We ſhall always uſe Our utmoſt Endeavours, to defend and maintain the Rights and Liberties of that Our Native Kingdom, according to the Laws eſtabliſhed there, and ſhall no longer look for Obedience, than We ſhall govern by the Laws. And We hope that Our zeal and carriage, only in Defence of the Laws and Government of this Kingdom, and the ſubjecting Our Self to ſo great hazard and danger, will*

be

An. 1643. *be no argument, that when the Work is done, We would paſs through the ſame Difficulties to alter, and invade the Conſtitutions of that Our other Kingdom. We find diſadvantages enough to ſtruggle with in the Defence of the moſt upright, innocent, juſt Cauſe of Taking up Arms; and therefore, if We wanted the Conſcience, we cannot the Diſcretion to tempt God in an unjuſt Quarrel. The Laws of Our Kingdom ſhall be always Sacred to Us; We ſhall refuſe no hazard to defend them, but ſure We ſhall run none to invade them.*

And therefore We do conjure all Our good Subjects of that Our Native Kingdom, by the long happy and uninterrupted Government of Us, and Our Royal Progenitors over them, by the Memory of thoſe many large and publick Bleſſings they enjoyed under Our dear Father, by thoſe ample Favours and Benefits they have received from Us, by their Own Solemn National Covenant, and their Obligation of Friendſhip and Brotherhood with the Kingdom of England, *not to ſuffer themſelves to be miſled and corrupted in their Affections and Duty to Us, by the cunning Malice and Induſtry of thoſe Incendiaries and their Adherents, but to reſiſt and look upon them, as Perſons who would involve them in their Guilt, and ſacrifice the Honour, Fidelity and Allegiance, of that Our Native Kingdom, to their private Ends and Ambition. And We require Our good Subjects there, to conſider that the Perſons, who have contrived, fomented, and do ſtill maintain theſe bloody Diſtractions, and this unnatural Civil War, what pretence ſo ever they make of their Care of the true Reformed Proteſtant Religion, are in truth* Browniſts *and* Anabaptiſts *and other* Independent *Sectaries; and though they ſeem to deſire an Uniformity of Church-Government with Our Kingdom of* Scotland, *do no more intend, and are ſo far from allowing the Church-Government by Law eſtabliſhed there (or indeed any Church-Government whatſoever) as they are from conſenting to the Epiſcopal: and We cannot but expect a greater ſenſe of Our Sufferings, ſince the obligations We have laid on that Our Native Kingdom, are uſed as arguments againſt Us here, and Our free conſenting to ſome Acts of Grace and Favour there (which were asked of Us by reaſon of Our neceſſary reſidence from thence) have encouraged ill-affected Perſons, to endeavour by Force to obtain the ſame here where We uſually reſide. To conclude, We cannot think that Our good Subjects there will ſo far hearken to the Treaſon and Malice of Our Enemies, as to interrupt their own preſent Peace and Happineſs; and God ſo deal with Us and Our poſterity, as We ſhall inviolably obſerve the Laws and Statutes of that Our Native Kingdom, and the Proteſtations We have ſo often made, for the Defence of the true Reformed Proteſtant Religion, the Laws of the Land, and the Juſt Priviledges and Freedom of Parliaments.*

The King ſends the Marquis a Patent to be *Duke*.

With theſe Publick Orders His Majeſty alſo ſent the Marquis a Patent to be a *Duke*, as a recompence of the great Services he was then doing and had formerly done him.

The Lords purſued as Incendiaries.

Scarce were theſe Lords come to *Scotland* when one *Walden* an Agent ſent from the Two Houſes to *Scotland*, upon the pretence of the Treaty about *Ireland*, gave in a Complaint to the Council againſt them, on the account of a Letter that was intercepted, ſigned by them all at *Latham* the Earl of *Darby*'s Houſe in *Lancaſhire*, where they were as they came down; in which they gave the Queen ſome Informations and Advices about the State of the Kings Affairs in that County. This was charged on them as *Incendiariſm*, and *Walden* deſired liberty to purſue them on

that

that Head, whereupon they first drew some Defences: but because these would have been found more guilty of the alledged fault than the Letter it self, they being made up of a Justification of the Kings Armes in *England*, they answered this Complaint by a Petition, wherein they declared, they had never instigated the King into a Breach with his Two Houses, and that there was nothing on earth they desired more earnestly than to see a happy Settlement betwixt them; therefore they intreated, that no Misrepresentations might be received, or listened to against them. The Church-party saw, this would be a good way to be rid of the Trouble and Opposition they feared from these Lords, and refore cherished *Walden*'s Motion; but they were told, that they could not fix any Censure on that Matter, without judging of the whole Business; for if the Kings Quarrel was just, those Lords acted as became faithful Subjects, whatever might be in that, none in *England* could challenge them, for Serving him in it, till themselves had declared against it, which was not yet done. The force of this Reasoning constrained them against their Hearts, to yield much more than the Authority of the Kings Commands, who having got notice of it from the Earl of *Lindsay*, wrote down to *Scotland*, peremptorily commanding them to desist from any such pursute if it were begun; requiring also his Advocate to appear for them in His Majesties Name if they were pursued. *An.* 1643.

The Earl of *Lanerick* wrote to the King what follows.

May it please Your Majesty,

I Shall here Humbly presume to let Your Majesty know, that before any of Your Scotish *Servants, who lately parted with Your Majesty at* Oxford, *could possibly come hither, the Chancellour had made his Report to the Council and Conservatours of the Treaty, and Mr.* Henderson *to the Commissioners of the General Assembly, of their Employments to Your Majesty, where Your Answers to their Desires were found not satisfactory, and thereafter Your Majesties Council, Commissioners for the Treaty and Common Burdens, having joyned together for giving of Security, for such Moneys as should be levyed, for the Maintenance of Your Majesties* Scotish *Army in* Ireland, *they thought fit (without admitting of any delay until Your Majesties Pleasure were known) to call a Convention of the Estates, as their several Acts and Proclamations to that effect (here inclosed) will more particularly shew Your Majesty.* *Lanerick*'s account of Affairs to His Majesty.

And for the present Your Majesties Servants, who came lately hither, having only met with three or four of those whom Your Majesty appointed them to consult with, have thought fit to advise with some others of the same Affection and Forwardness to Your Majesties Service, before they presume to give Your Majesty any Advice upon the present Occasions, being matters of so great Weight, and so highly concerning Your Majesties Service: but they have taken the readiest and most speedy Course they can think upon, for Meeting and Consulting with them; and thereafter are immediately to return hither, from whence they will with all diligence offer unto Your Majesty their humble Opinion. In the mean time I have dispatched Your Majesties Letters to such Noblemen and Burroughs, *as Your Majesty was pleased to direct me, shewing Your Resolution of preserving here what you have been pleased so Graciously to establish in Church and State, not having been able to deliver Your Majesties*

An. 1643. *Letter to Your Council, who were diſſolved before my coming, and my Lord Chancellour is gone out of Town, without whoſe Appointment there can be no extraordinary Meeting; ſo that I believe Your Majeſties Gracious Declaration to Your* Scotiſh *Subjects cannot be publiſhed before that time; nor till then can I be able to give Your Majeſty any further account of Your Affairs here, though in the mean time I ſhall ſtudy to ſerve Your Majeſty faithfully, according to the Duty of Your Majeſties*

Moſt humble and moſt
faithful, and moſt obedient
Subject and Servant,

Edinburgh, 18th May. 1643.

LANERICK.

The Lords conſult what to adviſe His Majeſty.

In the end of *May*, there was a Meeting of about thirty Noblemen, where theſe two Queſtions were propoſed; Firſt, if it were fit for the Kings Service that the Convention ſhould be ſuffered to hold; Next, if it held, whether thoſe who were well-affected to the Kings Service ſhould ſit in it. There were three or four Days ſpent in debating upon theſe Heads: ſome moved, that ſince by the calling of this Convention the other Party had ſo far encroached upon the King, they ſhould preſently break with them: this Motion came chiefly from other Lords, who would not come to that Meeting. But it was anſwered that the King, as he would not give Commiſſions for raiſing an Army in *England*, till he knew the Parliament had firſt done it on their ſide; ſo it was his poſitive Pleaſure that his Party ſhould not make the firſt Breach, which the King judged ſo much for his Honour, that no Conſideration could move him to diſpenſe with it: yet theſe who made that Propoſition, were deſired to lay down ways, how it could be made effectual, ſince it was Madneſs, and not Courage, to hazard the Ruine of the Kings Service and Friends, without at leaſt a likelyhood of being able to carry it through with ſome Succeſs.

All things being examined, it was concluded that the following Meſſage ſhould be ſent to His Majeſty, which was ſet down in a Paper, dated the 5th of *June*; but becauſe of the War in *England*, they committed it verbally to a Truſty Bearer, leſt it had been intercepted.

A Convention was indicted by the Chancellour, and ſuch others of the Council as have ſigned His Majeſties Letter thereabout, with the Advice and Concurrence of the Committees for conſerving the Treaty and Common Burdens to be kept at Edinburgh *the* 22th *of* June: *whereby it is conceived His Majeſty ſuffers exceedingly in His Regal Authority, in the Calling thereof without his Special Warrant. A Proclamation for the Indicting thereof is likewiſe iſſued forth in His Majeſties Name, expreſſing a danger to Religion, His Majeſties Perſon, and the Peace of this Kingdom, from Papiſts in Arms in* England, *which in that appears to be contrary to His late Declaration ſent to* Scotland.

Hereupon divers Noblemen and Gentlemen well-affected to His Majeſties Service met at Edinburgh, *and after three or four days Debate, conſidering the exigency of Time, the preſent poſture of Affairs, and the diſpoſition and inclination of the People of this Country, did not conceive it fitting, that His Majeſty ſhould abſolutely diſcharge that Meeting, (which certainly would be*

kept

kept notwithstanding of any Discharge from Him, which would both bring His Authority in greater Contempt, and lose more of the Affections of the People, whereby the Power of His Majesties Servants would be lessened) but rather that His Majesty should so far take notice of the Illegal Calling thereof, and His Own Suffering thereby, that the same remaining upon Record may be an evidence to Posterity, that this Act of theirs can infer no such Precedent for the like in the future; but afterwards His Majesty, or His Successors, may Legally question the same. And that His Majesties Servants here may be better enabled, and strengthened with the assistance of others of His Majesties faithful Subjects, who truly and really intend nothing but the Security of Religion as it is here established, and are altogether averse from and against the Raising of Arms, or Bringing over the Scotish *Army in* Ireland, *whereby His Majesties Affairs, or their own Peace may be disturbed, they conceive it fit, that His Majesty should permit this Convention to Treat, and conclude upon such Particulars, as may secure their Fears from any danger of Religion at home, without interessing themselves in the Government of the Church of* England. *And in respect that the Two Houses of Parliament have not sent Supplies for Entertaining the* Scotish *Army in* Ireland, *whereby they may have some colour or ground for recalling them, it is conceived necessary, that this Convention should have a Power from His Majesty, to advise and resolve upon all fair and Legal wayes for Entertaining the said Army still in* Ireland, *and for recovering payment of the Brotherly Assistance: providing always, that in the doing thereof no Resolution be taken for Levying of Forces, or doing any Act, whereby this Kingdom, or any part thereof, may be put in a posture of War, or under any pretence to bring over the* Scotish *Army in* Ireland, *or any part thereof, without special Warrant from His Majesty; wherewith if such as shall meet at this Convention rest not satisfied, His Majesties Servants here are resolved to Protest, and adhere to these Grounds, and to oppose all other derogatory to His Majesties Authority, or prejudicial to His Service.* An. 1643.

The Duke by the same Bearer wrote to Mr. *Jermine*, since Earl of St. *Albans*, what follows, which is set down to shew how far he was from abusing their Majesties, or any about them, with hopes of a good issue of Affairs in *Scotland*.

Noble Friend,

THere is so much said to this Bearer by word and in writing that I shall add but little thereto; only this, which I have often said, Time is precious, and would not be lost while we are quiet: how long that will be, for my own part I cannot tell, so many unhappy Accidents have intervened of late that His Majesties Service is much prejudiced thereby; I mean not so much your Misfortune at Wakefield, *as other Particulars which you will be informed of. Howsoever think not that I am discouraged, for never was Man more resolute to oppose all that shall endeavour the Dis-service of the King than I am, and there are considerable men in this Country of the same mind. But I ever feared our want of Power, and never more than now; Resolution we want not, but Means how to put that in execution: and therefore I say, build no confidence, but that you may receive great Prejudice from hence, notwithstanding all we can be able to do, which will be as much as you can expect from Men of Honour, so deeply ingaged as we are. Having thus freely expressed my thoughts to you, it is easie to conjecture, what Advice I would give; you are Judicious, and so I shall* The Duke apprehends the Ruine of the Kings Affairs in *Scotland*.

An. 1643. *conclude in a word, Loſe no Opportunity that is offered to end your buſineſs, either by one means or other, and eſteem of me as*

Holyrood Houſe
June 5th 1643.

Your moſt obliged Friend,
and humble Servant,

HAMILTON.

He wrote alſo the following Letter to Her Majeſty.

May it pleaſe Your Majeſty,

And adverti-ſes the Queen of his fears.

I Had not preſumed to have troubled Your Majeſty with any thing from me, if Your Letter I received from Mr. Murray *had not encouraged me to hope for Your Majeſties Pardon; I ſhall then humbly beg, this may rather be believed an effect of Obedience than Boldneſs.*

Upon Tueſday *laſt I delivered to His Majeſties Council a Letter from Him to them, wherein was incloſed a Declaration to His* Scotiſh *Subjects, which was unanimouſly appointed to be Printed and Publiſhed: but the Letter they have written in Anſwer to His Majeſty (a Copy whereof I have preſumed to ſend Your Majeſty) did receive great oppoſition, and with difficulty was carried.*

Since there hath been no Publick Meeting, but it is like there will be one appointed upon Wedneſday *next, where they that came laſt from His Majeſty are to be accuſed as Incendiaries.*

The great Offers are to be made from the Two Houſes of Parliament, are like to work much upon the Affections of this Country, being ſeconded with an alledged hazard to Religion and Government from Papiſts, pretended to be in Armes in England *and* Ireland; *a popular (though groundleſs) Inducement for taking Arms in this Kingdom; to which though many Noblemen (and divers of the Gentry) have hitherto been averſe, yet I both doubt the Continuance of their Reſolutions, and the Power of theſe few who muſt and will oppoſe it. The Authority the other Party receives from the Judicatories, the abſolute Power they have of the Magazines and Ammunition, the popular Pretences they have of a danger to Religion and Liberty, gives them ſo great advantages, that I cannot but apprehend great Diſſervice to His Majeſty from hence, if the Differences betwixt Him and His people of* England *be not quickly decided either by Treaty or Force.*

The Reſolutions about the Convention of the States, of ſuch well-affected Noblemen and Gentlemen as are accidentally now in Edinburgh, *Your Majeſty will know from the Bearer, the Particulars being of that nature, as are not without hazard to His Majeſties Service to be truſted to Paper, by,*

May it pleaſe Your Majeſty,
the humbleſt and faithfulleſt
of all Your Servants,

HAMILTON.

To

An. 1643.

To which Her Majesty wrote the following Answer.

Cousin,

I *Received your Letter, and have given an Account to the King of what you tell Me. I hope the Kings faithful Servants shall be so much the more firm to His Service, that the wickedness of others appears, and will by their Care and Diligence prevent the Malice of others. We had here a mischance in one of Our Quarters, by the negligence of Our People; the greatest loss We have had is known, yet We are not at all discouraged, and hope quickly to have a Revenge. Our Army consists (without reckoning the Garrisons) of seven thousand Foot, and 69 Troops of Horse, besides My two Regiments, so that for all Our mischance We are in no ill Condition. I have News from the King, that His Army is as strong as* Essex's, *and that* Essex *dares not advance. The King hath sent Prince* Maurice *to the West with* 2000 *Horse and a thousand Foot; the Gentlemen of the West have promised to raise an Army of* 10000 *Men in six Weeks, so that I can assure you all Our Affairs go well. And from* France *(except the Death of the King My Brother) I have very good News, as likewise from* Denmark. *If the King does not press me to go to Him quickly, I hope to see* Leeds *taken before I part. You will give a share of these News to all Our Friends, if any dare own themselves such, after the House of Commons hath declared Me Traytor, and carried up their Charge against Me to the Lords. This I assure you is true, but I know not yet what the Lords have done upon it. God forgive them for their Rebellion, as I assure you I forgive them from my Heart for what they do against Me, and shall ever continue, as I have promised,*

The Queen writes to the Duke.

Your affectionate Cousin
and Friend,

HENRIETTA MARIA R.

To this he returned the following Letter.

May it please Your Majesty,

I *Shall not presume to take up much of Your Majesties Time with reading Particulars, they being so well known to this faithful Bearer: therefore I shall only in the general crave liberty to say, that though the State of Affairs there be far otherwise than I could wish; yet I was never so hopeful as at this present, that no Forces will come from hence this Summer into* England, *to di-*

The Dukes Answer to Her Majesty.

An. 1643. *diſturb His Majeſties Affairs. Yet no Means ought to be neglected in preparing to oppoſe them, (leſt they ſhould do otherwiſe,) nor ſhall I fail to do the ſame (whatever Malice may whiſper to the contrary) with all the Power I have, and as freely venture both Life and Fortune in that, as any living ſhall. So I humbly beſeech Your Majeſty to believe, that not only in this, but in all which doth concern His Majeſties Service, my part ſhall be ſuch as I have promiſed, and as becometh*

Holyrood Houſe
10th June.

The Humbleſt, moſt Faithful,
and moſt Obedient of all
Your Majeſties Servants,

HAMILTON.

The King, having received the Letter of Advertiſement concerning the Convention, wrote down the following Anſwer about it.

CHARLES R.

The Kings Letter about the Convention to the Council,

RIght Truſty and Right well-beloved Couſins and Councellours, and Right Truſty and well-beloved Councellours, We Greet you well.

We are much ſurprized at Your Letter of the 12th *of this Moneth, whereby it ſeems you have given order for the Calling of a Convention of the Eſtates of that Our Kingdom without Our Privity or Authority: which, as it is a buſineſs We ſee no reaſon for at preſent, and that hath never been done before but in the Minority of the Kings of* Scotland, *without their Conſent; ſo We cannot by any means approve of it, and therefore We command you to take order that there be no ſuch Meeting, till you give Us full ſatisfaction of the Reaſons for it.*

Given at Our Court at *Oxford*
22th of *May* 1643.

With this he wrote another to the Earl of *Lanerick*, which follows.

CHARLES R.

and to *Lanerick*.

RIght Truſty, and Right well-beloved Couſin and Councellour, We Greet you well.

We have herewith ſent you Copies not only of the Letters We lately received from Scotland, *but alſo of Our ſeveral Letters to Our Chancellour and Council there, the Originals whereof We leave to your Diſcretion, to deliver and make uſe of as you ſhall find beſt for Our Advantage: but for the Buſineſs it ſelf, We have heretofore ſo fully declared to you Our Own Opinion therein, as We need ſay no more of that Subject to you.*

We obſerve in the Letter to Us, that there are but eleven Councellours Names to it, and that none of thoſe that are beſt-affected have ſubſcribed it; and We find that as great, or a greater number of Councellours, Perſons of great Quality, Place, and Truſt, have not ſubſcribed to it.

Given at Our Court at *Oxford*
22th of *May* 1643

Upon

Upon what had paſt, the Lords whom His Majeſty had truſted, re- *An.* 1643.
ſolved to keep up this Letter to the Council, till a return came of the Meſſage they had ſent to His Majeſty. But a few days after that Letter was written, the Earl of *Lindſay* came from *London* to *Oxford*, to receive the Kings Commands for *Scotland*; to which he was required to go, and ſit in the Convention of Eſtates then Summoned. His Majeſty asked his Advice, whether He ſhould give way to its Sitting or not: but he anſwered, as he durſt not adviſe His Authorizing of it; ſo on the other hand, he might conſider if it was like, that they who had called it without His Warrant, would deſert it upon His Prohibition; and if His Majeſty thought fit to diſcharge it, he would weigh well, what the hazard might be of their Sitting againſt His Pleaſure. All this being conſidered by His Majeſty, He wrote by him the following Letter to My Lord *Lanerick*.

The Earl of *Lindſay* is with the King.

CHARLES R.

RIght Truſty, and Right well-beloved Couſin and Councellour, We Greet you well.

The Earl of Lindſay *coming hither from* London, *hath aſſured Us, that the Cauſe of the Two Houſes ſending into* Scotland, *to have the Lords that went hence ſequeſtred, was, the Intercepting of their Letter ſent to Our Deareſt Conſort, the Queen, and nothing elſe.*

We perceive by the Copy of the Reſolutions you ſent Us, with what Prudence, and Loyal Courage, your Brother Hamilton *and the Lord Advocate oppoſed at Council there, the Order for Calling a Convention of the Eſtates for which We would have you to give them Our particular Thanks. You and others of Our Council there, know well, how injurious the Calling of a Convention of Eſtates without Our Conſent, is to Our Honour and Dignity Royal; and as it imports Us, ſo We deſire all Our well-affected Servants to hinder it what they may; but ſhall leave it to them, to take therein ſuch Courſe, as they ſhall there upon advice conceive beſt, without preſcribing any way, or giving any particular Directions. If notwithſtanding Our Refuſal, and the endeavours of Our well-affected Subjects and Servants to hinder it, there ſhall be a Convention of the Eſtates, then We wiſh that all thoſe who are right-affected to Us, ſhould be preſent at it; but to do nothing there, but only Proteſt againſt their Meeting and Actions. We have ſo fully inſtructed this Bearer, that for all other Matters We ſhall refer you to his Relation, whereto We would have you to give credit.*

Given at our Court at *Oxford* the
29th of *May* 1643.

But His Majeſty, having after that received the Advice ſent him from *Scotland*, and His own Thoughts agreeing with it, did on the 10th of *June* write the following Letter, to be preſented to the Convention.

CHARLES R.

RIght Truſty, and well-beloved Couſins and Councellours, &c.
We have received a Letter dated the 22th of May, *and Signed by ſome*

The Kings Letter to the Convention of Eſtates.

An. 1643. *ſome of Our Council, ſome of the Commiſſioners for Conſerving the Articles of the late Treaty, and of the Commiſſioners for the Common Burdens: and though it ſeem ſtrange unto Us, that thoſe Committees ſhould Sign in an equal Power with Our Council, eſpecially about that which is ſo abſolutely without the limits of their Commiſſions; yet We were more ſurprized with the Concluſions taken at their Meetings, of Calling a Convention of the Eſtates without Our ſpecial Warrant, wherein Our Royal Power and Authority is ſo highly concerned, as that We cannot paſs by the ſame, without expreſſing how ſenſible We are of ſo Unwarrantable a way of Proceeding; and if We did not prefer to Our Own unqueſtionable Right the Preſervation of the preſent happy Peace within that Our Kingdom, no other Conſideration could move Us to paſs by the juſt Reſentment of Our Own Intereſt therein. But when We conſider to what Miſeries and Extremities Our* Scotiſh *Army in* Ireland *is reduced, by reaſon that the Conditions agreed unto by Our Houſes of Parliament for their Maintenance, are not performed; and likewiſe the great and heavy Burdens, which We are informed Our Native Kingdom lies under, by the not timely payment of the Remainder of the Brotherly Aſſiſtance due from* England, *contrary to the Articles of the late Treaty; and withall remembring the Induſtry, which We know hath been uſed upon groundleſs Pretences, to poſſeſs Our* Scotiſh *Subjects with an Opinion, that if God ſhould ſo bleſs Us here in England, as to protect Us from the Malice of Our Enemies, Religion, and the now-eſtabliſhed Government of Our Native Kingdom, would be in danger: We (laying aſide all Conſideration of Our Own particular) reſolve on Our part, to endeavour by all poſſible means to prevent all colour or ground of Diviſion betwixt Us and Our good Subjects of* Scotland; *and therefore do permit you to Meet, Conſult, and Conclude upon the beſt and readieſt ways of Supplying the preſent wants of Our* Scotiſh *Army in* Ireland, *and providing for their future Entertainment there, until ſome ſolid Courſe be taken for recovering of the Arrears due to them, and for their conſtant Pay in time coming, according to the Conditions agreed upon in the Treaty; as alſo to adviſe upon the beſt way of Relieving the Publick Burdens of that Our Kingdom of* Scotland, *by preſſing, by all fair and lawful means, a ſpeedy Payment of the Remainder of the Brotherly Aſſiſtance due from* England; *as likewiſe to prevent the Practices of ſuch as ſtudy to entertain in this Our Kingdom groundleſs Jealouſies and Fears of Innovation of Religion or Government, the Preſervation whereof (according to Our many Solemn Proteſtations) ſhall ever be moſt Sacred to Us; providing always, that in doing theſe things, nothing be done which may tend to the Raiſing of Arms, or Recalling Our* Scotiſh *Army, or any part thereof, from* Ireland, *but by Order from Us, and Our Two Houſes of Parliament, according to the Treaty agreed upon to that effect: and We do require you, to limit your Conſultations and Concluſions to the foreſaid Particulars. And as by this, and many other Our former Acts of Grace, and Favour to that Our Native Kingdom, it clearly appears, how deſirous We are of preſerving their Affections, and preventing all occaſions of Miſtakes betwixt Us and them; ſo We do expect, that your Proceedings at this time will be ſuch, as may ſhew your tender Care of Us and Our Greatneſs, which by ſo many Oaths and Obligations you are tied to preſerve.*

Given at Our Court at *Oxford*
the 10th of *June* 1643.

Mean

Mean-while the Duke and his Brother advertiſed both their Majeſties, *An.* 1643. of the great apprehenſions they had of Miſchief from *Scotland*, and beſought His Majeſty, that ſo long as they were idle in *Scotland* he ſhould be buſie in *England*; for his good Succeſs there, was that which would engage moſt to appear for him here; and they, with thoſe truſted with them, made the Lord Chancellour underſtand the hazard he was in, if the Annuities were diſcharged, and accordingly filled up one of the Blanks with a Proclamation, diſcharging them to all who had Signed the Petition againſt them, which yet remains, but without a Date and Signeting. The Lord Chancellour was very ſenſible of the ruine of his Fortune, which would follow from the Publiſhing of that which certainly would be popular, as being an eaſe of the Subjects, and therefore promiſed to them, to uſe his utmoſt Endeavours to put all the ſtops he could in the Agreement with *England*: wherefore with joint conſent they reſolved to proceed no further in that Affair for that time, and accordingly the Lord Chancellour was very inſtrumental (though covertly) in getting things kept off ſo long; for had not much Art been uſed, the Church-party were inclined, immediately upon the opening of the Convention, to have engaged in the Quarrel for the Two Houſes.

The Duke ſtudies to keep *Scotland* from agreeing with the Two Houſes.

The 22th of *June* came, and the Convention ſate down, (which is a Court made up of all the Members of Parliament, but as they are called and ſit without the ſtate or formalities uſed in Parliaments; ſo their Power is to raiſe Money or Forces, but they cannot make or repeal Laws.) The Duke and his Friends, as they anſwered to their names, declared they were preſent, upon the notice they had of the Kings Warranting of the Convention. After that, *Lanerick* delivered the Kings Letter of the 10th of *June*, and it being read, drew on a great Debate, which laſted four days, whether the Convention was free or not, and if bound up to the limits of the Kings Letter or not. The grounds of the Debate were, on the one ſide it was certain, that by the Law of *Scotland* no Aſſembly of that nature could be called but on the Kings Writ, and therefore there was a Nullity in the beginning of it; but that now the King *ex poſt facto* allowing them as a Meeting of His Subjects to conſider of ſome Particulars, they could pretend to no Authority but what that Letter gave them: therefore they had not the Authority of a Convention of Eſtates, but were only a Meeting of ſo many Subjects to conſult of ſome Affairs. On the other ſide it was ſaid, that the Convention was ſummoned by a Writ under the Great Seal, which was all that the Subjects were to look for, they not being concerned to look into the Kings ſecret Orders, or private Pleaſure: ſo this was a ſufficient Authority for their Sitting; and for the Kings Letter, though it ſeemed he was not well-pleaſed with his Council for it; yet it did not annull the former Writ, nor indeed could it, and it was eſſential to all Meetings of that nature to be free, and not limited in their Conſultations; for if the King calls a Parliament or Convention, their Freedom cannot be reſtrained to ſuch Particulars as the King would limit them to, otherwiſe the Grievances of the Nation ſhould never be conſidered: therefore they concluded, it either muſt be no Convention at all, or if it was one, it muſt be left at liberty to treat of all the Affairs of the Nation. The Duke and his Brother were the great Arguers on the one ſide; and when they ſaw how it was like to go, they reſolved

The Convention ſits.

An. 1643. to Proteſt, and leave them. But the Kings Advocate told them, that if the Convention were Voted a free Convention, then to Proteſt againſt it was Treaſon; but they might declare their Judgments, and thereupon take Inſtruments, which was equivalent to a Proteſtation, and more Legal: and they judging this punctilio of the word *Proteſt* of no Importance; reſolved to follow his Advice. So on the 26th of *June*, it being put to the Vote, *a Free Convention or not*, the Duke voted it *no Convention, but as regulated by the Kings Letter*: ſo did eighteen Lords, and but one Knight, all the reſt voting it a Free Convention. Whereupon the Duke roſe up and declared, he could no more own that for a Free Convention, nor acknowledge any of their Acts or Orders, further than as they kept within the bounds of the Kings Letter. My Lord *Argyle* asked, did he by that Proteſt againſt the Convention? my Lord *Lanerick* anſwered, they meant not to Proteſt, but declare and take Inſtruments, both in the Kings Name and their own, which accordingly they did, and ſo removed. Only *Lanerick* required them to record the Kings Letter, which was refuſed; next he craved an Inſtrument of his producing it, which was alſo refuſed: ſo having taken witneſs of it, he withdrew, and none of theſe Lords would ſit in the Convention any more. After this ſome came to the Duke, and asked his Advice if they ſhould ſit or not; he ſuſpected their Intentions were only to betray him, and told them, that his Practice declared his own Judgment, which he wiſhed the whole Convention had followed; but for particular Advices he left it to themſelves. Others of their Friends were by them all thought neceſſary to ſit ſtill in the Convention, to keep up delays in the approaching Treaty with the *Engliſh*; but divers of their Friends being over-awed with the Power of the Church-party, did forſake them.

Great Jealouſies and Diviſions in *Scotland.*

At the ſame time ſome of the Church-party, who feared the Duke more than all that oppoſed them, knowing the depth of his Deſigns, and the ſmoothneſs of his Addreſs, took a ſtrange Courſe to render him ſuſpected to the Kings Party, which was to let a Whiſper fly out, but ſo as they ſhould not appear in it, that he and they kept a Correſpondence; which was too eaſily believed by many, who were already ill-affected to his Perſon, and diſpleaſed with his Methods: and the great forwardneſs of ſome for appearing in the Kings Service, made them impatient of all Delays. But the Duke ſent divers Meſſages by Mr. *Murray* of the Bed-chamber (who was at that time ſent by His Majeſty to *Scotland*) to thoſe of the Kings Friends, who he ſaw were diſpleaſed with him, to mediate a Reconciliation, who dealt in it with all poſſible diligence; but their Jealouſies of the Duke were inſuperable. And a little after that, in the end of *July*, ſome of them went to Court to repreſent to the King, how ill His Affairs were managed by thoſe He truſted them to, and to offer their Service, if He would change his Tools and Methods. The Duke upon this wrote to the King, that he found himſelf betwixt two Tides, of thoſe who were perverſe on the one hand, and over-forward on the other; yet he wiſhed not only Life and Fortune, but his Soul might periſh, if he left any thing uneſſayed and undone, that was in his power for the Kings Service. But all in which he could hope to prevail, was Delays, which to draw out longer than this Winter he could not promiſe. And the Methods he uſed to draw out the Treaty by Delays, were, to ſet ſome on work to get *Scotland* to inſiſt on their Demands for the reſt of the Brotherly Aſſiſtance,

ſiſtance, and for what was agreed to by the former years Treaty, to be paid for the Army in *Ireland*, before they engaged further, all which amounted to a round Sum; and he knew it would neither be ſoon, nor eaſily advanced. The time of the Aſſembly was alſo approaching, wherefore they adviſed the King for his Advocates encouragement to Name him Commiſſioner for it. *An.* 1643.

The Convention did little at firſt, only they begun a new Proceſs againſt ſome alledged Incendiaries, and named many Committees, waiting ſtill for the *Engliſh* Commiſſioners who were daily expected. On the firſt of *Auguſt* came the Kings Advocat's Commiſſion with his Inſtructions, and a Letter to the Aſſembly.

His Inſtructions were, *Firſt, to aſſure the Aſſembly of the Kings conſtant adherence to the late Eſtabliſhment, and his willingneſs to encourage all good Motions.*

He was to oppoſe all Treaty with England, *or Declarations about the Commotions there.*

He was to oppoſe any new Commiſſion of the Kirk.

He was to hinder any Cenſure to paſs on thoſe who had ſubſcribed the Croſs Petition.

On the ſecond of *Auguſt* the Aſſembly ſat down; but no curb could hold them, ſo high was their Zeal, and ſo void were they of reſpect of Perſons, that the oppoſition the Kings Commiſſioner gave them was little regarded, for they went on at a great rate. The General Aſſembly ſits.

The Convention voted an hundred thouſand Marks Sterling to be raiſed by a Loan: this was a pretty Device to fine all that were not judged well-affected; for they were appointed to lend Sums upon the Publick Faith, which every one knew would turn to no Security for their Money.

On the ninth of *Auguſt* came the much-longed for Commiſſioners from *England*, with a large Declaration from the Two Houſes, juſtifying all their Procedure, and intreating the aſſiſtance of their Brethren in *Scotland*. This was cheerfully welcomed by the Aſſembly, and ſome did run ſo far back, as to remember how Queen *Elizabeth* helped the *Lords of the Congregation* in the *Scotiſh* Reformation in oppoſition to the Queen Regent; and therefore it was but Juſtice that they ſhould now repay them with the like Aſſiſtance. Commiſſioners come from *England*.

But that which generally prevailed to engage the greater part of the Nation in the War, ſhall here be ſet down with that fulneſs and freedom that becomes a Hiſtorian. The (now) Duke of *Newcaſtle* had raiſed a great Army in the North of *England* for the King, upon which that Countrey was like to be for ſome time the ſeat of the War; and though *Berwick* and *Carliſle* had no Garriſons in them, according to the Treaty between both Kingdoms, yet it was not to be doubted, but either the one ſide or the other would ſee their advantage in putting Garriſons in theſe places: upon which, all in *Scotland* judged it neceſſary to raiſe ſome Forces, otherwiſe the beſt Counties in *Scotland*, which lye toward the South, had been put under Contribution by thoſe Garriſons, and they had been all a prey to the prevailing Army; yea, and which ſide ſoever were either beaten or ſtraitned, it was not to be doubted but they would ſend in Parties to *Scotland* to bring Proviſions, and what elſe could be had; therefore it was Concluded, that a Force muſt be raiſed for the Security of *Scotland*. This being laid down, it The Arguments that prevailed for entring in a League with them.

An. 1643. was not uneaſie to perſwade all, that it was better to carry in and maintain their Army in *England*, than keep it in *Scotland* to be a vaſt Charge upon themſelves. And the Forces that were raiſed in the years 1639 and 40, had been very heavy on the chief Nobility and Gentry; nor had the Brotherly Aſſiſtance, which the Two Houſes had Voted to be raiſed for their reimburſement, come to their Supply, the War of *England* intercepting it: therefore they had generally a great mind to Quarter their Army in *England*. Now this could not be done, they keeping up the Neutrality they were then in, therefore they muſt either joyn with the King or the Two Houſes. For joyning with the King many Arguments were uſed, both from the Laws of *Scotland*, that obliged all the Subjects to aſſiſt the King in his Wars; and from the Covenant, wherein they ſwore to aſſiſt Him in every cauſe in which His Majeſties Honour was concerned. There were alſo private aſſurances given, not only to the leading Men, but to the whole Nation, of ſignal marks of His Majeſties Favour, and Confidence in the diſpoſal of all Offices, and Places at Court, that every third time they ſhould be filled with *Scotiſh* men, together with other particulars, not needful to be mentioned. But againſt all this it was objected, that thoſe who had the Aſcendant in the Councils at *Oxford*, were either Papiſts, or men of Arbitrary Principles; and the Clamours that always follow Generals and Armies where there is no certain Pay, were carried to *Scotland*, not without great additions, againſt the Kings Forces, to poſſeſs people with a deep alienation from them. It was likewiſe ſaid, that ſince the King, notwithſtanding the Declining of his Affairs in *England*, would not grant what was deſired there about Epiſcopacy, it might be from thence gathered, what he would do if his Arms were ſucceſsful, and therefore all People were poſſeſſed with the jealouſies of his ſubverting the whole Settlement with *Scotland*, aſſoon as he had put the War in *England* to a happy Concluſion. And though it was anſwered to this, that the Kings putting things to hazard rather than ſin againſt his Conſcience, was the greateſt aſſurance poſſible, that he would faithfully obſerve what He had granted; to this, Malicious people ſaid, that it would be eaſie to find diſtinctions to eſcape from all Engagements; and if the putting down of Epiſcopacy was ſimply ſinful according to the Kings Conſcience, then that alone would furniſh Him with a very good reaſon to overturn all, ſince no Men are bound to obſerve the promiſes they make, when they are ſinful upon the Matter. And theſe Reaſons did generally prevail with the Covenanters, to refuſe to joyn with the Kings Party in *England*: therefore they concluded it neceſſary to Engage with the Two Houſes, both becauſe the Cauſe was dear to them, it being a pretence for Religion and Liberty. It was alſo ſaid often, that they owed their Settlement, partly to the backwardneſs of the Armies the King had raiſed againſt them in *England*, and partly to the Council of the Peers, who had adviſed the King to grant a Treaty, and afterwards a full Settlement to them. And that Paper which was ſent down in the Year 1640, as the Engagement of 28 of the Peers of *England*, for their Concurrence with the *Scotiſh* Army that year, was ſhown to divers, to engage them unto a Grateful return to thoſe, to whom it was pretended they were ſo highly obliged. For though the Earl of *Rothes* (and a few more) were well ſatisfied about the Forgery of that Paper, yet they thought that a Secret of too great Importance to be generally known;

known; therefore it was ſtill kept up from the Body of that Nation. And upon theſe Pretences and Inducements it was, that it came to be generally agreed to, to enter into a Confederacy with the Two Houſes. So Fatal did the Breach between the King and his People prove, that even when it ſeemed to be well made up by a full Agreement, there was ſtill an after-game of Jealouſies and Fears, which did again widen it by a new Rupture, which to theſe men ſeemed at this time unavoidable: otherwiſe they found the eaſe of a Neutrality to be ſuch, that the Men of the greateſt Intereſt in thoſe Councils have often told the Writer, they had never engaged again, had it not been for thoſe Jealouſies with which they were poſſeſſed to a high degree. There was a Committee of Nine appointed to Treat with the Commiſſioners: the *Engliſh* preſſed chiefly a Civil League, and the *Scots* a Religious one; but though the *Engliſh* yielded to this, yet they were careful to leave a door open for *Independency*. Thus the Treaty with the *Engliſh* Commiſſioners went on, notwithſtanding a Letter the King wrote to the Chancellour, to be communicated to the Council, requiring them not to Treat with them, ſince they came without His Majeſties Order; but they who had leaped over all other matters, could not ſtand at this. *An.* 1643.

And now came to light that which had been a hatching theſe many Months among the *Junto's*, which was the *Solemn League and Covenant*, which follows;

The *Solemn League* and *Covenant* of the three Kingdoms.

The Solemn League and Covenant.

WE *Noblemen, Barons, Knights, Gentlemen, Citizens, and Burgeſſes, Miniſters of the Goſpel, and Commons of all ſorts in the Kingdoms of* Scotland, England, *and* Ireland, *by the Providence of G O D living under one King, and being of one Reformed Religion, having before our eyes the glory of G O D, and the advancement of the Kingdom of our Lord and Saviour Jeſus Chriſt, the Honour and Happineſs of the Kings Majeſty and His Poſterity, and the true publick Liberty, Safety, and Peace of the Kingdom, wherein every ones private condition is included: And calling to mind the treacherous and bloody Plots, Conſpiracies, Attempts and Practices of the Enemies of G O D, againſt the true Religion and Profeſſors thereof in all places, eſpecially in theſe three Kingdoms ever ſince the Reformation of Religion, and how much their Rage, Power, and Preſumption are of late, and at this time encreaſed and exerciſed; whereof the deplorable eſtate of the Church and Kingdom of* Ireland, *the diſtreſſed eſtate of the Church and Kingdom of* England, *and the dangerous eſtate of the Church and Kingdom of* Scotland, *are preſent and publick teſtimonies; We have now at laſt (after other means of Supplication, Remonſtrance, Proteſtations and Sufferings) for the preſervation of our ſelves, and our Religion, from utter ruine and deſtruction, according to the commendable practice of theſe Kingdoms in former times, and the example of Gods People in other Nations, after matur-*

An. 1643. *ture deliberation, reſolved and determined to enter into a mutual and Solemn League and Covenant: Wherein we all ſubſcribe, and each one of us for himſelf, with our hands lifted up to the moſt high* GOD, *do Swear*;

I. THat *we ſhall ſincerely, really and conſtantly, through the grace of* GOD, *endeavour in our ſeveral Places and Callings, the preſervation of the Reformed Religion in the Church of* Scotland, *in Doctrine, Worſhip, Diſcipline and Government, againſt our common Enemies; the Reformation of Religion in the Kingdoms of* England, *&* Ireland, *in Doctrine, Worſhip, Diſcipline and Government, according to the Word of* GOD, *and the example of the beſt Reformed Churches: And ſhall endeavour to bring the Churches of* GOD *in the three Kingdoms to the neareſt conjunction and Uniformity in Religion, Confeſſion of Faith, Form of Church-Government, Directory for Worſhip and Catechiſing; that we and our Poſterity after us, may as Brethren, live in Faith and Love, and the Lord may delight to dwell in the midſt of us.*

II. *That we ſhall in like manner, without reſpect of perſons, endeavour the extirpation of Popery, Prelacy, (that is, Church-Government by Arch-biſhops, Biſhops, their Chancellours and Commiſſaries, Deans, Deans and Chapters, Arch-deacons, and all other Eccleſiaſtical Officers depending on that Hierarchy) Superſtition, Hereſie, Schiſm, Prophaneneſs, and whatſoever ſhall be found to be contrary to ſound Doctrine and the Power of Godlineſs; leſt we partake in other mens ſins, and thereby be in danger to receive of their Plagues; and that the Lord may be one, and his Name one in the three Kingdoms.*

III. *We ſhall with the ſame ſincerity, reality and conſtancy, in our ſeveral Vocations, endeavour with our Eſtates and Lives mutually to preſerve the Rights and Priviledges of the Parliaments, and the Liberties of the Kingdoms; And to preſerve and defend the Kings Majeſties Perſon and Authority, in the preſervation and defence of the true Religion, and Liberties of the Kingdoms; That the World may bear witneſs with our Conſciences of our Loyalty, and that we have no thoughts or intentions to diminiſh His Majeſties juſt Power and Greatneſs.*

IV. *We ſhall alſo with all faithfulneſs endeavour the diſcovery of all ſuch as have been, or ſhall be Incendiaries, Malignants, or evil Inſtruments, by hindering the Reformation of Religion, dividing the King from his People, or one of the Kingdoms from another, or making any faction, or parties amongſt the People, contrary to this League and Covenant, That they may be brought to publick Trial, and receive condign Puniſhment, as the degree of their Offences ſhall require or deſerve, or the Supreme Judicatories of both Kingdoms reſpectively, or others having power from them for that effect ſhall judge convenient.*

V. *And whereas the happineſs of a bleſſed Peace between theſe Kingdoms denyed in former times to our Progenitors, is by the good Providence of* GOD, *granted unto us, and hath been lately concluded, and ſettled by both Parliaments, We ſhall each one of us, according to our place and intereſt, endeavour that they may remain conjoyned in a firm Peace and Union to all poſterity, and that Juſtice may be done upon the wilful oppoſers thereof, in manner expreſſed in the precedent Article.*

VI. *We ſhall alſo, according to our places and callings, in this common cauſe of Religion, Liberty, and Peace of the Kingdoms, aſſiſt and defend all thoſe that enter into this League and Covenant, in the maintaining and purſuing thereof;*

And ſhall not ſuffer our ſelves directly or indirectly, by whatſoever combination, perſwaſion, or terrour, to be divided and withdrawn from this bleſſed Union and Conjunction, whether to make defection to the contrary part, or to give our ſelves to a deteſtable indifferency, or neutrality in this Cauſe, which ſo much concerneth the Glory of GOD, the Good of the Kingdoms, and Honour of the King; But ſhall all the days of our lives zealouſly and conſtantly continue therein againſt all oppoſition, and promote the ſame according to our power, againſt all Lets and Impediments whatſoever: And what we are not able our ſelves to ſuppreſs or overcome, we ſhall reveal, and make known, that it may be fully prevented or removed: And which we ſhall do as in the ſight of God. An. 1643

And, becauſe theſe Kingdoms are guilty of many ſins, and provocations againſt GOD, and his Son Jeſus Chriſt, as is too manifeſt by our preſent diſtreſſes and dangers the fruits thereof: We profeſs and declare before GOD and the World, our unfained deſire to be humbled for our own ſins, and for the ſins of theſe Kingdoms, eſpecially that we have not, as we ought, valued the ineſtimable benefit of the Goſpel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Chriſt in our hearts, to walk worthy of him in our lives, which are the cauſes of other ſins and tranſgreſſions, ſo much abounding amongſt us. And our true and unfained purpoſe, deſire, and endeavour for our ſelves, and all others under our power and charge, both in publick and in private, in all Duties we owe to God and Man, to amend our lives, and each one to go before another in the example of a real Reformation; That the Lord may turn away his wrath, and heavy indignation, and eſtabliſh theſe Churches and Kingdoms in Truth and Peace. And this Covenant we make in the preſence of Almighty GOD, the Searcher of all hearts, with a true intention to perform the ſame, as we ſhall anſwer at that great Day when the ſecrets of all hearts ſhall be diſcloſed; Moſt humbly beſeeching the Lord to ſtrengthen us by his Holy Spirit for this end, and to bleſs our deſires and proceedings with ſuch ſucceſs, as may be deliverance and ſafety to his People, and encouragement to other Chriſtian Churches, groaning under, or in danger of Antichriſtian Tyranny, to joyn in the ſame, or like Aſſociation and Covenant, To the Glory of GOD, the Enlargement of the Kingdom of Jeſus Chriſt, and the peace and tranquillity of Chriſtian Kingdoms and Commonwealths.

This was offered to the Aſſembly on the 17th of *Auguſt*, and after it was publickly read, Mr. *Henderſon* being then Moderator, had a long Speech about it. Then it was read the ſecond time, and many of the moſt eminent Miniſters, and Lay-Elders, were deſired to deliver their Opinions about it, who did all magnifie it highly: and though the Kings Commiſſioner preſſed a Delay, till at leaſt it were communicated to the King; yet the approving it was put to the Vote, and carried unanimouſly, and they ordered the Lord *Maitland* (the now Duke of *Lauderdale*) and Mr. *Henderſon*, and Mr. *Gilleſpy*, to carry it up to the Two Houſes at *Weſtminſter*. On the ſame day it was alſo approved in the Convention. Wiſe Obſervers wondered to ſee a matter of that Importance, carried through upon ſo little Deliberation or Debate. It was thought ſtrange to ſee all their Conſciences of ſuch a ſize, ſo exactly to agree as the ſeveral Wheels of a Clock; which made all apprehend, there was ſome firſt Mover that directed all thoſe other Motions: this by the one Party was imputed to Gods extraordinary Providence, but

The Cenſures that generally were paſſed on it.

An. 1643. but by others to the Power and Policy of the Leaders, and the ſimplicity and fear of the reſt. One Article of it was thought ſtrange, that one Government of the Church was abjured, but none ſworn to in its place for *England*; this was not the fault of the *Scots*, who deſigned nothing ſo much, as to ſee Presbytery eſtabliſhed in *England*. But the *Engliſh* Commiſſioners would not hear of that, and by that General words of *Reforming according to the Word of God*, (caſt in by Sir *Henry Vane*) thought themſelves well-ſecured from the inroads of the *Scotiſh* Presbytery; and in the very contriving of that Article they ſtudied to out-wit one another, for the *Scots* thought the next words of *Reforming according to the Practice of the beſt Reformed Churches*, made ſure game for the *Scotiſh* Model, ſince they counted it indiſputable that *Scotland* could not miſs that Character.

Thoſe of *Scotland* would have had Epiſcopacy abjured, as ſimply unlawful: but thoſe of *England* would not condemn that Order, which had merited ſo much Glory in the whole Chriſtian Church, therefore the ſecond Article was ſo conceived, that it might import only an Abolition of the preſent Model of *England*; and it was ſo declared, both in the Aſſembly of Divines, and in the Two Houſes of Parliament when they ſwore it. The *Scots* either perceived not this Change, or were glad to get it carried on at any rate. But many judged the oddeſt part of it all was their Oath to maintain the Priviledges of both Parliaments, ſince that was never defined, and was ſcarce capable of a Definition; and the Priviledges of the Parliament of *England*, were far enough from the knowledge and divination of the *Scotiſh* People, who in this caſe muſt believe all that to be Priviledge which they called ſo.

The Covenant was carried up, by thoſe truſted with it, to the Two Houſes, to be approved by them; and being returned to *Scotland*, the Committee of Eſtates did by their Printed Act of 22th of *October*, ordain it *to be Sworn and Subſcribed by all the Subjects, under the pain of being puniſhed as Enemies to Religion, His Majeſties Honour, and the Peace of theſe Kingdoms: and to have their Goods and Rents confiſcated, and they not to enjoy any Benefit or Office within the Kingdom, and to be cited to the next Parliament as enemies to Religion, King and Kingdoms, and to receive what further puniſhment His Majeſty and the Parliament ſhould inflict on them.* At this time His Majeſty ſent Mr. *Mungo Murray* to *Scotland*, (to aſſure his Friends of his Confidence in them) who brought the following Letters from the King and Queen to the Duke.

Letters from the King and Queen to the Duke.

Hamilton,

I Find there hath been a great Miſtaking about that mark of Favour, which I thought fit to beſtow upon you, the particulars I have commanded Mungo Murray *to tell you: only this I aſſure you, that my Confidence of you is not leſſened, from what I commanded your Brother to aſſure you of in my Name, for you ſhall find me*

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

An. 1643.

Couſin,

AS ſoon as I had occaſion ſince my Arrival hither, to write to you, I have reſolved to do it, both to aſſure you of all that I ſaid to you when I was at York; *as alſo to tell you that I am none of the leaſt ſharers in rejoycing at the Honour the King hath put on you. This is a mark of the Confidence He hath in you, which I am aſſured you will make the World ſee, was founded on very good reaſon. The Bearer is a Perſon who will tell you more than I can write: to him I refer my ſelf, and ſhall ſay no more but that I am.*

Oxford, 28th Auguſt. Your affectionate Couſin,

HENRIETA MARIA R.

The Kings Friends had gone to the ſeveral places where their Intereſts lay, to ſee what likelyhood there was of Raiſing any Force for advancing the Kings Service by extreme ways; and to put a better colour on their Gathering of People together, they carried with them the following Letter, which was Signed by His Majeſty, and of which *Lanerick* was ordered to give an atteſted Copy to all who were well-affected.

CHARLES R.

RIght Truſty, and Right well-beloved Couſin and Councellour, We Greet you well. The Kings Letter to His good Subjects in *Scotland.*

Since nothing on Earth can be more dear to Us than the Preſervation of the Affections of Our People, and amongſt them, none more than thoſe of Our Native Kingdom, which, as the long and uninterrupted Government of Us and Our Predeceſſors over them doth give Us juſt reaſon, in a more near and ſpecial manner to challenge from them, ſo may they juſtly expect a particular Tenderneſs from Us, in every thing that may contribute to their Happineſs: but knowing what induſtry is uſed, by ſcattering Seditious Pamphlets, and employing private Agents and Inſtructions, to give bad impreſſions of Us and Our Proceedings, (under a Pretence of danger to Religion and Government) to corrupt their Fidelities and Affections, and to engage them in an unjuſt Quarrel againſt Us their King, We cannot therefore but endeavour to remove theſe Jealouſies, and ſecure their fears from all poſſibility of any hazard to either of theſe from Us: We have therefore thought fit to require you to call together your Friends, Vaſſals, Tenants, and ſuch others as have any dependance upon you, and in Our Name to ſhew them Our Willingneſs to give all the Aſſurances they can deſire, or We poſſibly grant, (if more can be given than already is) of preſerving inviolably all thoſe Graces and Favours, which We have of late granted to that Our Kingdom, and that We do faithfully promiſe never to go to the contrary of any thing there eſtabliſhed, either in Eccleſiaſtical or Civil Government: but that

An. 1643. *We will inviolably keep the ſame, according to the Laws of that Our Kingdom, and We do wiſh God ſo to bleſs Our Proceedings and Poſterity, as We do really make good, and perform this Promiſe. We hope this will give ſo full ſatisfaction to all that ſhall hear of this Our ſolemn Proteſtation, that no ſuch perſons as ſtudy Diviſion, or go about to weaken the Confidence betwixt Us and Our People, and juſtly deſerve the name and puniſhment of Incendiaries, ſhall be ſheltred from the hand of Juſtice; and all ſuch others as ſhall endeavour Peace and Unity, and Obedience to Us and Our Laws, may expect that Protection, and increaſe of Favours from Us, which their Fidelity deſerves. So expecting your Care hereof, We bid you heartily farewell.*

From Our Court at *Oxford* the 21ſt of *April*, 1643.

The Lords whom the King employed, meet and ſend Propoſitions to the King.

Theſe Lords appointed at parting to meet again about the end of *Auguſt*, which accordingly they did; and when they met, divers told they found much coldneſs among their Friends. Many profeſſed a cordialneſs to the Kings Service; but they had neither Armes, nor Ammunition, nor ſaw they a place of Security for a Rendezvouz, nor of Safety for a Retreat in caſe of a Misfortune; ſo that divers of the Noblemen ſaid, It was not in their power to bring any with them to the fields, but their own Domeſticks. Whereupon it was agreed by them all, to ſend one *Neal* Servant to Mr. *Murray* of the Bed-Chamber to the Marquis of *Newcaſtle*, to deſire him to ſeize on *Berwick*, which was of great Importance, and was at time without a Gariſon, that it might be the Place whither they might bring what Forces they could draw together which was indeed the moſt proper Place for them, ſince the Counties that lay next it were beſt-affected. They likewiſe deſired my Lord *Newcaſtle*, to ſend them ſuch Arms and Ammunition, as could be ſpared them out of the Kings Magazins, which were then in his hands: they alſo ordered *Neal* to go forward from him to *Oxford*, to give the King an account of their Deſires, that they might be preſently ſupplied. He was diſpatched on the 29th of *Auguſt*; but on the 4th of *September* my Lord *Newcaſtle* wrote back to them a ſhort anſwer referring them to *Neal*, who in a large one, (both which are extant) told them, that my Lord *Newcaſtle* ſaid, he could ſpare them neither Armes nor Ammunition: and as for *Berwick* he could not ſeize on it without bringing Ruine on himſelf and his Poſterity, unleſs he had a Commiſſion for it under the Great Seal of *England*; it being contrary to the Articles of the late Treaty of the two Kingdoms, which was ratified in Parliament.

The Treaty betwixt *Scotland* and *England* is concluded.

At this time the Treaty betwixt the Two Houſes in *England*, and the Convention in *Scotland*, was cloſed. Againſt the 5th of *October* a hundred thouſand pounds Sterling was to be paid in *Scotland*, and againſt the Twentieth of that Month, an Army of Twenty thouſand Horſe and Foot, was to be on the Borders from *Scotland*, who were to have thirty thouſand pounds Sterling a Month for Pay; only the hundred thouſand pounds Sterling was to ſerve for the firſt three Months. The General was to be choſen by the *Scots*, the Army was to receive Orders from a Commitee of both Kingdoms; no Peace ſhould be treated, or concluded without the *Scots*: and the Publick Faith was given by the Convention of Eſtates in *Scotland*, that their Army ſhould return out of *England* when a Peace was concluded by both Kingdoms. And ſo the Convention Adjourned till *January*, having choſen a Committee of Eſtates, to whom they gave full Power in all matters Civil and Military.

About

About the middle of *September* the faireſt opportunity of all was loſt, for the Parliament of *England*, apprehending the hazard of the loſs of *Berwick* ſent down ſome Ships, by which, with the Concurrence of the *Scots*, it was preſently Garriſoned: and the Committee of Eſtates iſſued out, toward the middle of *September*, Commiſſions for making of Levies through the Kingdom, ſo that nothing kept them from Marching, but that they heard not of Money from *England*. *An.* 1643. *Berwick* ſeized on by the Parliament.

The Kings Friends were now in the greateſt perplexities imaginable, they ſaw his Affairs in a ruining Condition, and themſelves able to do nothing but regrate it. All *September* paſſed over, ere they had a return from *Oxford*; and ſince the hope of *Berwick* was irrecoverably loſt, nothing remained but Deſpair. The Church-party became daily more reſolute, and the Kings-party became fainter. At length in the beginning of *October*, Mr. *Mungo Murray* came from Court, but brought no preſent Relief, only large hopes of Aſſiſtance to follow quickly. He alſo brought Letters from the King, both to the Council and the Conſervatours of the Peace: that to the Conſervatours of the Peace follows.

CHARLES R.

The Kings Letters to the Conſervatours of the Treaty.

RIght Truſty, and Right well-beloved Couſins and Councellours, Right Truſty and well-beloved Councellours, and Truſty and well-beloved, We greet you well.

No Induſtry hitherto could have ſo far prevailed with Us, as to gain any belief that Our Scotiſh *Subjects would countenance, much leſs aſſiſt this bloody Rebellion in* England; *yet We know not how to underſtand the Levying of Forces, both Foot and Horſe, within Our Native Kingdom, and their entring Our Town of* Berwick *in an hoſtile manner.*

You are particularly truſted by Us and Our Parliament, (and ſolemnly ſworn to be faithful in the diſcharge of that Truſt) of ſeeing the Articles of the late Treaty obſerved, which here is moſt groſly violated: therefore We require you, as you will be anſwerable to God, to Us, and Our Parliament, to take ſpeedy and preſent Order for recalling and ſuppreſſing thoſe Forces.

Our moſt malicious Enemies muſt bear Us witneſs, how religiouſly We have obſerved theſe Articles on Our part, whereof if We had not been more tender, (than the adviſers of the Breach have been of the Publick Faith) it is obvious to any, how eaſily We could have ſecured that Town from all Rebels.

We have likewiſe thought fit to take notice of the private Preparations in that Our Kingdom, of Raiſing an Army by a new Authority, to come into Our Kingdom of England, *under the pretence of ſecuring themſelves from a Popiſh and Prelatical Army, falſly alledged to be upon the Borders; ſuch Forces as We have there, being only for Protecting of Our diſtreſſed Subjects from the Incurſion of Rebels, from their Ships at* Berwick, *and* Holy-Iſland, *and for no other end. Such then as ſhelter themſelves under that Pretext, will find from thence but a ſlender Warrant before God, who knows the integrity of Our Heart, and how inviolably We intend to preſerve all that We have granted to that Kingdom, ſo long as they ſuffer themſelves to be capable of Our Protection, and thoſe Favours.*

We do require you not only to oppoſe and ſuppreſs all ſuch unwarrantable Levies, but by your Publick Declaration to diſabuſe thoſe Rebels in England,

An. 1643. *who endeavour to engage you in their Rebellion, and expect Aſſiſtance from you; in all which We look for ready Obedience, and expect a preſent account thereof. We bid you heartily farewell.*

Given at Our Court at *Oxford* the 26th day of *September*, in the 19th Year of Our Reign, 1643.

The Letter to the Council follows.

CHARLES R.

The Kings Letter to the Council.

RIght Truſty and Right well-beloved Couſins and Councellours, and Truſty and well-beloved Councellours, We greet you well.

Whereas Our deſire of preſerving Peace within Our Native Kingdom, and preventing ſuch Diſputes which malicious Inſtruments might ſo heighten, as to divide Us and any of Our Scotiſh *Subjects, moved Us by Our Letter of the tenth of* June, *to diſpenſe with the unwarrantable Calling together of the Nobility, Commiſſioners of Shires and Burroughs, at* Edinburgh *the twenty ſecond of* June 1643, *and ſo far to give way to the Meeting, as to allow them to take into Conſideration the beſt ways of Maintaining Our* Scotiſh *Army in* Ireland, *for Suppreſſing of that bloody Rebellion there, ſince Our Two Houſes of Parliament here had failed in the performance of the Treaty, concluded upon betwixt the Two Nations for that effect, and likewiſe for ſuch other Particulars as Our ſaid Letter doth more fully contain; expecting they would have limited their Reſolutions thereunto, and paid an equal Gratitude of Duty and Obedience to Us and Our Juſt Commands, as We have ſo lately and ſo many ways expreſſed Our Affection to that Our Kingdom in General, and ſo many Members of that Meeting in their own particulars: all which notwithſtanding they have proceeded to Reſolutions as unjuſtifiable as their Meeting, and would engage Our Subjects to an Obedience of their Arbitrary Commands, beyond the Power of any of the moſt Free and Lawful Conventions of the Eſtates, Our Authority and Conſent being ſo abſolutely contemned, that they have exceeded the Bounds We have preſcribed, and proceeded to Concluſions of the higheſt nature, without ſo much as acquainting Us therewith. Such high Indignities to Us and Our Authority, make Us believe they have forgot they have a King, and their Oaths in preſerving Us in Our Juſt Power as their King: but God will diſcover and puniſh ſuch undutiful Thoughts, how cloſely ſoever they be clouded with pretences of Safety to Religion and Liberty, which they know will ever be dearer to Us than Our Own Preſervation. Our good Subjects will likewiſe ſuffer with Us by their heavy Taxes upon them, and poſſibly by their deſperate Reſolutions of their Engaging them in a bloody and unnatural War. Thoſe Injuries to Us, and Oppreſſions upon them, We expect you (whom We have with Advice of Our Parliament entruſted with managing the greateſt Affairs of that Our Kingdom) will particularly reſent: and therefore We have thought fit to require you immediately after the receipt hereof, to publiſh in Our Name a Proclamation to all Our loving Subjects of that Our Native Kingdom, prohibiting them under all higheſt pains to give Obedience to any Act or Ordinance of that pretended Convention, or of any Committee pretending a Power or Authority from them; but to oppoſe by Armes, or otherways, all ſuch Perſons, as ſhall endeavour to put in execution any Acts of theirs, (but ſuch as We expreſſed in Our Letter We mentioned of the tenth of* June, *which*

which was ſo much ſlighted as it was refuſed to be Recorded) for the Raiſing of Forces, or Recalling Our Scotiſh *Army in* Ireland, *or any part thereof without Our Knowledge and Conſent: and We do likewiſe require, that no Taxes impoſed upon Our Subjects by that pretended Authority be paid; aſſuring all Our Loving Subjects of Our Protection, in the Obedience of theſe Our Commands; for which theſe ſhall be your Warrant, which We require you to Record.* An. 1643.

Given at Our Court at *Oxford* the 26th of *September*, in the 19th Year of Our Reign, 1643.

With theſe His Majeſty wrote to my Lord *Lanerick*.

CHARLES R.

RIght Truſty, and Right well-beloved Couſin and Councellour, We Greet you well. The Kings Letter to *Lanerick*.

We have ſent to Our Privy-Council of Scotland *Our Letters of Direction what they ſhall do, now that the General Meeting there hath proceeded to ſuch ſtrange and undutiful Reſolutions, beyond the Matter We prefixed them to treat upon by Our former Letter. Of thoſe Our Letters We have ſent you an exact Copy, and particular Directions to your ſelf, what you ſhall do in order thereunto, when you ſhall think fit for Our Service to make uſe of the ſame. But We leave it now to your Diſcretion, and the Judgment of the reſt, whom We have entruſted with the Affairs of that Our Kingdom, to deliver theſe Our Letters to Our ſaid Privy-Council at that time, and no ſooner than you ſhall conceive to be moſt conducible to Our Service, and the Good of that Kingdom; for if you ſhall find that no Obedience is likely to be given to thoſe Our Commands, you are to conſider how far you, who are Our faithful Servants there, will be able to withſtand thoſe Inſolences, which of neceſſity muſt follow upon ſuch Diſobedience, and what the Conſequence will be, to anger before We be able to puniſh ſuch Offenders. But Our Will is, that you forthwith publiſh the other, anent the Proclamation, Precept or Warrant, falſly publiſhed in Our Name; and We further require you, to do whatſoever elſe you with the reſt (whom We have truſted with the Affairs of that Our Kingdom) ſhall conceive moſt to conduce to Our Service, as you will anſwer to Us at your peril: and for ſo doing this ſhall be a ſufficient Warrant, to you and thoſe others entruſted by Us, as aforeſaid.*

Given at Our Court at *Oxford*, 26th of *September*, 1643.

The Lords whom His Majeſty truſted, judged it not fitting to preſent the Letter written to the Council, and ſuppreſſed it. But His Majeſty wrote another Letter to the Council about the Proclamation, which was iſſued forth in his Name by the Convention of Eſtates, which follows.

CHARLES R.

An. 1643.

CHARLES R.

The Kings Letter about the Proclamation to the Council.

RIght Truſty, and Right well-beloved Couſins and Councellours, and Truſty and well-beloved Councellours, We greet you well.

Whereas We were graciouſly pleaſed to condeſcend that this preſent Meeting in Our Kingdom of Scotland *of Our Nobility there, and the Commiſſioners for Shires and Burroughs, ſhould reſolve and conclude of ſuch particular Affairs, as We ſpecified and allowed to them for the Security and Good of that Our Kingdom in Our late Letters to them, dated the* 10th *of* June *laſt; and for as much as we have to Our great amazement newly ſeen a Paper in form of a Proclamation, Precept or Warrant, in Our Royal Name, dated at* Edinburgh *the* 18th *of* Auguſt, *ſubſcribed*

Per Actum Dominorum
Conventionis Arch. Primroſe
Cler. Conven.

Being a Paper moſt impudently ſet forth without Our Privity, or any Authority from Us, and tending to caſt Our beloved People of that Our Native Kingdom into the like and more bloody Combuſtions and Rebellions, Violation of their Religion and Allegeance to Us, and Laws of that Our (hitherto) peaceful Native Kingdom, as hath been here practiſed by the malicious enemies of Peace and Government: We have therefore upon good Deliberation, and out of Our Princely and Gracious Care of Our People, and of the Tranquility of that Our Native Kingdom (as it was ſo lately and well ſetled by Our Self) thought fit to Declare, and we do hereby Declare unto you, that We utterly diſlike and diſallow it, forbidding all Our Subjects to obey the ſame, and all other Papers publiſhed in Our Name, which ſhall not immediately be warranted by Us; and We do hereby will and command you, forthwith openly to publiſh thoſe Our Letters, to let all Our People underſtand Our Pleaſure herein.

And laſtly Our Pleaſure and Command is, that you cauſe theſe Our Letters to be forthwith recorded in the Books of Our Privy Council of that Our Native Kingdom, for all which theſe Our ſaid Letters ſhall be your ſufficient Warrants.

Given at our Court at *Oxford* the 26th day of *September*, in the 19th Year of Our Reign 1643.

He wrote alſo to the ſame purpoſe to the Earl of *Lanerick*.

CHARLES R.

His Majeſties Letter to *Lanerick* to the ſame purpoſe.

RIght Truſty, and Right well-beloved Couſin and Councellour, We Greet you well.

Whereas We have thought fit, for the Good of Our Service and Safety of Our People, to require Our Council, to publiſh a Proclamation in Our Name to all Our loving Subjects in Scotland, *diſcharging them to give Obedience to any Act or Ordinance of the Pretended Convention of the Eſtates at* Edinburgh *the* 22d *of* June, *or of any Commitee pretending Authority from them; but to oppoſe with Arms, or otherways, all ſuch Perſons as ſhall endeavour to put in execution any Act of theirs: but if Our Privy Council ſhall not give preſent Obedience to Our Commands, and publiſh this Our Pleaſure, theſe are*

to

to require you to take what Course you ſhall think moſt fit to make this Known to all Our loving Subjects, either by giving Warrant in Our Name, to Print Our Letter to Our Council, or by ſending atteſted Copies thereof to all the Nobility, Sheriffs of Counties, and Majors of Towns, within Our Kingdom of Scotland, *a Duplicate whereof you will herewith receive under Our Own Royal Hand: and We further require you, to do whatſoever elſe, you with the reſt (whom We have truſted with the Affairs of that Our Kingdom) ſhall conceive moſt to conduce to Our Honour, and the Good and Advancement of Our Service, as you will anſwer for it to Us at your peril; and for your ſo doing theſe ſhall be your Warrant.* An. 1643.

Given at Our Court at *Oxford* the 26th of *September* 1643.

With theſe Publick Letters the King wrote to the Duke.

Hamilton,

HAving much to ſay, and little time to write, I have commanded this Truſty Bearer to ſupply the ſhortneſs of this Letter, which though it be chiefly to give truſt to what he ſhall ſay to you in my Name; yet I cannot but aſſure you by my own Hand, that no ill Offices have had the Power to leſſen my Confidence in you, or my Eſtimation of you, for you ſhall find me The King's Letter to the Duke.

Your moſt aſſured, real, conſtant Friend,

Oxford 28th September, 1643.

CHARLES R.

The Lords whom the King truſted, ſeeing no preſent help of Men, nor relief of Armes, like to come from *England*, were like men deſperate: and ſome moved deſperate Propoſitions, that according to what had been (in ſome former caſes) practiſed in *Scotland*, there ſhould be Orders given out, requiring all to kill the chief Leaders of the Church-party, where-ever they could find them, ſetting Prices on their Heads, and that with ſuch Orders ſome of the Blanks ſhould be filled up. But the Duke oppoſed this ſtrongly, and ſaid, he would take it on him without an Inſtruction to aſſure them, that he knew His Majeſty would rather patiently ſuffer all things, than conſent to a Courſe ſo barbarous and unchriſtian. As for the practices of ſome former ruder times, theſe were to be no Precedents now. Beſides, if this were done on the one ſide, they might expect the ſame Orders would be preſently iſſued out againſt them from the Comittee of Eſtates, which would bring on an unheard-of Butchery, and lay all their Throats open to their Servants; whereupon it was laid aſide, only the Propoſition with the Precedents is yet extant: and they reſolved to ſee what Force they could bring together under the pretence of their Attendants to the Counteſs of *Roxburgh* her Funeral, which was to be in the beginning of *November*. But there was ſome Difference about the Methods of carrying on their deſigns among theſe Lords, and divers others who were called to their Conſultations, beſides The Kings Affairs in *Scotland* decline.

thoſe

An. 1643. thoſe who were particularly truſted by His Majeſty, Thoſe whoſe Fortunes were broken were for briſker Courſes, and thoſe whoſe Eſtates were intire, and had the moſt followers, thought it fitter to delay an open Breach as long as was poſſible. This diverſity of Opinion raiſed ſome Animoſities and Jealouſies among them, ſo that they fell into a mutual diſtruſt; neither was Secrecy (though not only enjoyned but ſworn) cloſely kept, for all their Deſigns broke out; and and yet ſome who were guilty of this, were among the buſieſt to faſten it on the Duke. But the Writer deſigns only an account of his Affairs, without reflecting needleſly on others; and therefore here he reſtrains his Pen. So quickly did their cloſeſt Secrets fly abroad, that when the Duke was returning home from one of their Meetings, a Covenanter Lord came from *Edinburgh* to meet him on his way, and told him, to a word, all had paſt at their Meeting, as that Lord informed the Writer.

A Meſſage ſent to Court by the Earl of *Traquair*.

On the 24th of *October* the Earl of *Traquair* went to Court, whom the Lords that were truſted by the King, had carried along with them in all their Counſels, though his Name could not be in the Inſtructions, by reaſon of the Act that was paſt againſt him at the former Parliament. With him they ſent the following Inſtructions, containing the grounds and ſteps of their whole Procedure; which is the fulleſt and cleareſt Diſpatch was ſent this year, (moſt of the other Meſſages being verbal) and ſo will give great light to the reſt.

It is deſired it may be repreſented to His Majeſty, that now all He expected from our Affection and Induſtry here, is performed, this Summer being ſpent, and he having received no other Prejudice from hence, than what might riſe from words, which we did never pretend to prevent, being no ways a Party in the Judicatories.

To ſhew our readineſs ſtill to venture our Lives and Fortunes in His Majeſties Service, which we will make good, not only by verbal Expreſſions, but real Actions, when we ſhall ſee the leaſt probability of Succeſs to His Affairs, though to our Ruine.

To repreſent the Reaſons that (hitherto) we have not been in Action; which have been grounded, Firſt, upon our Deſire of Protracting time, the chief thing we had Commiſſion to ſtudy, (in which our Endeavours have not been fruitleſs:) Secondly, that they (not His Majeſty) ſhould be the firſt Breakers, both a pious, juſt, and popular Motive: and thirdly, our expectation of Supplies both of Men, Arms, Ammunition, and Moneys, which we were confident ſhould have been provided for us, and without which we never conceived our Strength to be conſiderable.

To repreſent, that we would immediately draw our ſelves together into a Body, (being thereto authorized by His Majeſty) if we had the leaſt hope of making it conſiderable, and if we had any proportion of Arms or Ammunition, a Place of ſurety for our Rendezvouz, and of ſafety for a Retreat in caſe of a Misfortune; having by divers Meſſages repreſented our Wants, and preſſed for Supplies, with the ſecuring of ſome Places, now loſt, but ſtill without Succeſs, without which, many who would joyn with us in this Quarrel of ſerving His Majeſty are unwilling to hazard; and divers very conſiderable, and moſt affectionate Noblemen and Gentlemen have declared, that for that reaſon they cannot bring to that Meeting more than their Domeſtick Servants, ſo that we juſtly fear, we cannot draw together ſo conſiderable a Body,

Body, as could reſiſt, much leſs offend our Enemies, and likewiſe an impoſſibility, for thoſe and other Noblemen and Gentlemen (being only ſo backed) and lying at ſo great a diſtance one from another, and from the Place, which of neceſſity muſt be appointed for our Rendezvous, to joyn with us. An. 1643.

And conſidering theſe neceſſities, we cannot but be the more tender of going unto preſent Action, ſeeing His Majeſty hath ſo wiſely commanded us, to weigh the Conſequences of angering before he be able to puniſh, and the Prejudices which may thereby ariſe to His Service, wherein we muſt proceed as we ſhall be anſwerable upon our Perils: and therefore we dare not preſume to adviſe the preſent Engaging of His Majeſty, by drawing our ſelves into a Body; for many would oppoſe us (ſeeing then we would be eſteemed Rebels) within this Kingdom, that would be unwilling to go into England, *which probably cannot be done this Winter, though we dare give no aſſurance thereof; but do humbly adviſe, that preſent Preparation be made for the worſt, and in diſcharge of our Conſciences and Duties to His Majeſty, we cannot but repreſent our Fears of the great Diſſervices He may receive from hence, if he do not timely prevent it, either by a Royal and conſiderable Strength, or in his Wiſdom think of ſome other way of effecting it, and not to truſt to the Power of His Party here. And this our humble Opinion doth neither proceed from Fear, nor Diſaffection, nor out of any Intention to deſert Him, or His Cauſe, (wherein we will ſpend the laſt drops of our Blood) but really is our ſenſe of the Condition of His Affairs here, which we cannot conceal, without betraying the Truſt He hath repoſed in us, and which we will be ready to make appear to His Majeſty, whenſoever He ſhall think fit to call us to an account, at the hazard of loſing His Favour, and all that is dear to us.*

All are required to take the Covenant.

About the end of *October*, all the Lords of the Council received Letters from the Committee of Eſtates, requiring them to come to Council againſt the ſecond of *November*, and ſign the League and Covenant, from which the Lords (whom His Majeſty had intruſted) excuſed themſelves, not being well-ſatisfied, neither about the matter of the Covenant, nor the Authority by which it was impoſed; whereupon they were again ſummoned to appear upon the 14th of that Month, to do it under the higheſt pains in caſe of Diſobedience; but they excuſed themſelves the ſecond time likewiſe.

The Duke's endeavours for ſerving the King.

All this while the Duke had been doing his utmoſt to engage his Vaſſals, and the Dependers on his Family, to a cordial Concurrence in the Kings Service, and offered to divers of them, if they would vigorouſly concur in it, to diſpenſe with great advantages he had over their Fortunes by his Superiorities. But that County where his Intereſt lay, was ſo prevailed upon by the Miniſters, that no endeavours could divert them from the Courſe that the reſt of the Country were taking: and ſo little could he prevail with them, that all the Authority and Art he and his Brother uſed, could not get the Commiſſioners to the Convention of Eſtates well choſen, though he beſtirred himſelf in it as much as was poſſible; for beſide the Clamours againſt him, there came out at this time a Book under the name of *The Myſtery of Iniquity*, which was ſhrewdly but maliciouſly penned. The deſign of it was to demonſtrate, that the King's Intentions ever ſince his Voyage to *Spain*, had been for introducing Popery: but to this old Slander was added

An. 1643. added a new damnable Calumny, that the King had given Commiſſion for the Maſſacre in *Ireland* under the Great Seal of *Scotland*, in *October* 1641. when it was in the Duke's keeping, and in the Cuſtody of Mr. *John Hamilton*, who is by that Pamphleteer called *the Scribe of the Croſs Petition*. This was ſent through all places, and both preached and printed up and down *Scotland*, and zealouſly infuſed into the Peoples minds, amongſt whom it gained belief; which as it irritated them to more fury againſt the King, ſo it drew the next ſhare of the *Odium* upon the Duke, whereby he was much diſabled from doing the Service which he deſired and deſigned: with ſuch a *ſeries* of ſad Trials was God pleaſed to exerciſe him almoſt all the days of his Life.

The Lords that were for the King met at *Kelſo*.

Their Appointment at My Lady *Roxburgh*'s Funeral was to be carried ſecretly, as if their numerous Meeting had been only for gathering a great Company to ſolemnize it with the more Pomp, according to the Ceremony uſed at Burials in *Scotland*. The Duke took with him near two hundred Horſe, the half of them were Gentlemen, and the reſt were their Servants. But when they came to the Funeral, all that could be accounted of were about a thouſand Horſe; but there were ſuch Jealouſies among them, and they were ſo undetermined either what to do, or who ſhould Command, and ſo little aſſurance had they of the Adherence of thoſe who were with them, that they parted without coming to any Reſolution.

This Attempt gave a *Criſis* to the Covenanters Proceedings againſt them, and therefore, becauſe they came not on the Day prefixed to ſubſcribe the Covenant, they were declared *Enemies to God, the King, and the Country*; and it was reſolved, that at leaſt they ſhould be made cloſe Priſoners, of which the Duke was advertiſed by the Earl of *Lindſay*. But this was not all the height of the Committees zeal, for on the 17th day of *November*, by another Act *all their Goods were appointed to be ſeized on, their Rents gathered up, and their Perſons to be apprehended, wherever they could be found:* and a Commiſſion was given to Souldiers to go take them, *warranting them to do it, notwithſtanding any Reſiſtance was made, ſecuring them though they killed thoſe that made Reſiſtance. Southesk* was firſt wrought upon by thoſe thunder-claps: but the Duke and his Brother, ſeeing all was paſt recovery in *Scotland*, and there was no ſtanding before this unparalelled Zeal, prevented their ſevere Orders, and went to Court; ſo he and his Brother left *Scotland* in the end of *November*.

The cruel Orders of the Committee againſt thoſe who took not the Covenant.

The Duke ill repreſented at Court.

All this while his Enemies at Court had been with great Induſtry miſrepreſenting his Actions in *Scotland*, and for this end made uſe of the forwardneſs of ſome *Scotiſh* Lords who were then at Court: yet the King's Affection to him, and Confidence in him, continued firm and unſhaken till the end of *September*, (if not longer,) as appears by His Majeſties Letter of that Date, already ſet down. But the miſcarriage of Affairs in *Scotland*, together with the Duke's abſence, raiſed ſome jealouſies in the King's thoughts; nor had the Duke any Friend at Court, who had ſuch credit with the King, as to be able to juſtifie him, and ſo Reports went current without contradiction. But when Mr. *Murray* came up, and *Traquair* after him, they gave a truer repreſentation of Affairs; therefore, to take off the weight of their Teſtimony, they were charged with acceſſion to the ſame Miſcarriages, and many things of a high nature were faſtened upon the Duke. And the miſ-

carriage.

carriage of Affairs in *Scotland* ſeemed to give good colours for caſting all the blame of it upon the Unfaithfulneſs or ill-management of thoſe who had his Majeſties chief Truſt in that Kingdom, (the uſual fate of all Unſucceſsful Miniſters.) Many foul Slanders were caſt on him, and very ſcandalous and undutiful Diſcourſes were laid to his charge. And to crown all, it was repreſented, that he had ſet on foot a Pretenſion to the Crown of *Scotland*, and deſigned to put all once into Confuſion, that ſo he might fiſh the better in thoſe troubled waters. *An.* 1643.

This was the moſt bloody and pernicious of all the helliſh Slanders his Enemies could invent, and nothing could raiſe Jealouſies in a Court like Stories of this nature; wherefore they were confidently vented: and it was ſaid, that after he and his Brother had betrayed the King's Service in *Scotland*, they were now coming to Court to be Intelligencers to his Enemies; therefore it was neceſſary to ſecure him upon his firſt Arrival, and particularly to hinder his acceſs to the King, ſince it was to be feared, that his Majeſties Affection, with his Innocency, which they in their Conſciences knew was unſtained, would quickly break through all thoſe Arts that had been contrived for his Ruin.

The Duke was not ignorant of all that was deſigned againſt him, nor ſo totally deſtitute of Friends, as to be let periſh without ſending him advertiſements. Any Loyalty leſs than his would upon ſuch advices have kept out of the way till he had ſent his Juſtification before him, and had cleared himſelf of all Imputations: but being confident of his own Innocency, he reſolved to go on, and put all to hazard; ſo on the 16th of *December* he came to *Oxford*. There was at the Ports an Order left to ſtop him till the Governour were advertiſed: but the Captain of the Guard thinking he was in the Coach that followed, not knowing himſelf who was on horſeback, let him paſs without ſtopping him. But he was preſently followed with an Order from the King, confining him and his Brother to their Chambers during his Majeſties Pleaſure. The Duke anſwered, that as he had ever given a ready obedience to his Majeſties Commands, ſo in this he would punctually obey his Order. The Duke goes to Court, and is made Priſoner.

At night Secretary *Nicholas* came to him, and told him, that his Majeſty had received an Accuſation of a high nature againſt him, and that he could not be anſwerable to himſelf, if he had not taken this Courſe with him; but that he might expect from him all Favour that in Juſtice he could grant him, and that himſelf would be graciouſly pleaſed to hear as much of his Cauſe as he could, and that all haſte ſhould be uſed in it.

The Duke anſwered, that he humbly thanked his Majeſty for his Goodneſs thus in general to let him know the Cauſe of his Reſtraint: and for any favour in that Charge he deſired it not, but truſted to the King's Juſtice and his own Integrity, only he intreated he might have a ſpeedy Trial. And for his Majeſties conſtant Goodneſs to him, he had no more to return to him but his humble Thanks, ſince he had received greater proofs of it than he had either merited, or could ever deſerve.

Next the Secretary called for his Brother, who was a little indiſpoſed, and told him, he had the Liberty of the Town, only he might not

An. 1643. come to the King's or Queen's Court without Permiſſion; and after that a Guard was ſet at the Duke's Lodgings, with Orders, that none might ſpeak with him except in the preſence of one of the Secretaries. But Mr. *Murray* of the Bed-chamber had been with him at his firſt Arrival, and the Duke deſired him to give the King a full account of his Behaviour in *Scotland*, and of the neceſſities that his Duty had forced him to when he left the Kingdom: and he deſired he might have that Juſtice done him, to ſee the Charge that had been given againſt him, that ſo he might juſtify himſelf, ſince he was abſolutely ignorant of it, and his own Conſcience did not charge him with any Guilt in reference to the King's Service.

The Duke gets a Copy of his Charge, and Anſwers it.

At night Mr. *Murray* returned to him with a very favourable Meſſage from the King, expreſſing his Confidence, that he ſhould clear himſelf of the Charge given againſt him. And by what the Writer could learn, it was he that brought him a Copy of the Charge that was drawn up againſt him: for the Duke got the Copy of it before it was put in the due form of an Impeachment, being liker a Hiſtorical Information preſented to the King, than a Legal Accuſation. That Paper was never brought into any Court, nor did any thing ever follow upon it; for the buſineſs went not the length of a Trial; yet it ſeems too important a Tranſaction of the Duke's Life, not to be inſerted, with the Anſwers that were drawn to it: for aſſoon as the Duke got it, he ſent to the beſt Counſel then at *Oxford*, who drew an Anſwer to it wholly in point of Law, and himſelf drew an Anſwer as to matter of Fact, and penned a long Speech which he intended to make at his firſt Appearance. But thoſe Papers (which do yet remain) were afterwards digeſted into one full Anſwer; and therefore that the Reader may not be wearied too much, I ſhall inſert that inſtead of all the reſt, ſetting down the Anſwer after every Article of the Charge. Only I ſhall here premiſe what I copied out of an Original Letter of one of the moſt zealous Covenanters (who was a very conſiderable man among them and one of the *Junto*) to his Correſpondent; by which the Reader may judge what he is to think of the Truth of matter of Fact alledged in the Charge; *I have ſeen the Charge againſt the Duke, and though he has been a great Enemy to our Cauſe and Work, I cannot but pity him, ſince he ſuffers from their hands whom he has been ſerving:* and after that he adds, *he is in no hazard if he get Juſtice, for the Accuſation is falſe, and can never be proved.* This will diſcover both what the ſecret thoughts of the Covenanters were of the Duke, and how falſe the Charge was in matter of Fact. But the moſt material Evidences that do clear his Innocence, and juſtifie the Anſwers to the Charge, have been already ſet down in the former parts of this Work, to which the Reader will find ſome References marked in the Margent.

The

An. 1643.

The Accuſation given againſt the Duke of *Hamilton* at *Oxford, December* 1643.

THat the *Duke of* Hamilton *hath of a long time (yea almoſt ever) ſince he had any conſiderable meddling in Buſineſs, endeavoured in the way of a conſtant and continued Deſign, both by Words and Actions, to beget in His Majeſties Subjects both a Hate againſt the Government, and a Contempt of His Majeſties own Sacred Perſon; as particularly he himſelf uſing moſt contemptible and undervaluing Expreſſions of His Majeſty and His Emiſſaries, Inſtruments, or Creatures, ſuggeſting upon the other part all Prejudices to the People, as that they were now but a Province unto* England, *and had loſt their Liberty, and that* Scotland *was now under a* Pharaoh *that knew not* Joſeph. Article 1.

The Anſwer to the former Charge.

"THe Defendant is charged with many things of a high nature, Anſwer.
"ſome whereof, if true, will involve him in the guilt of High "Treaſon; other particulars infer a breach of Truſt, and an abuſing "of His Majeſties Confidence in him, with ſeveral other heinous Ag- "gravations, which, if true, the Defendant acknowledgeth that no Pu- "niſhment could be found equal to his Guilt: and in a matter wherein "his Life, his Fortune, his Honour, and Poſterity lye at ſtake, it can- "not ſeem ſtrange, if the Defendant plead in Law every advantage his "Learned Counſel have ſuggeſted, who, beſides many things they have "laid before him from the Priviledges of the Peers, do aſſure him that "in Law every impeachment ought to contain in it the matter of Fact, "particularly and certainly ſet down, with all neceſſary circumſtances "of Time, Place, and Witneſſes, otherwiſe the Party accuſed may De- "mur in Law. Beſides, the Charge given againſt him is ſo general and "hiſtorical, ſo aggravated with ſcandalous Gloſſes, invective Expreſſi- "ons, groundleſs Suggeſtions and Pretences, falſe Collections and In- "ferences, ſeeming Probabilities, with cunning Suppoſitions and Con- "jectures, together with the Opinions and Words of his Friends, Ac- "quaintances, and Enemies, all ſo ambiguouſly penned by the Contri- "ver, that he may Demur in Law upon the whole Charge for matter of "Inſufficiency and Form, ſince many Inſufficiencies and Abſurdities "might be obſerved in it upon a ſtrict Diſquiſition and Diſſection of "Law: and indeed the Defendant cannot but deſire the laſt words of "the Charge be conſidered, wherein his Accuſers pretend to be able to "prove ſome of the weightieſt points *by ſeveral Witneſſes, and all the reſt "by ſome, and ſtrong Probabilities*; which words alone his Lawyers do "aſſure him are ſufficient to invalidate the whole Charge, ſince no man "can be Arraigned of Treaſon upon ſome Probabilities, to which other "Probabilities may be always oppoſed with equal colours of truth.

"Many of the particulars charged upon the Defendant were done be- "fore the Pacification and Act of Oblivion paſſed in both Kingdoms, "by which no remembrance is to be had of what paſſed before it; and "His Majeſty did verbally expreſs at the laſt Parliament at *Edinburgh*,

"that

An. 1643. "that the Defendant had carried himſelf during the former Troubles as "became a faithful Subject, and one that tendered the Good and Happi- "neſs of his Country. There was alſo in that ſame Parliament a particu- "lar Act paſſed, declaring he had carried himſelf during the former Di- "ſtractions as a faithful Servant to His Majeſty, and a loving Patriot to "his Country; upon which the Defendant may well plead that he is "not bound to anſwer for any thing charged on him that was done be- "fore that Parliament, and that his Accuſers do incur Puniſhment for "going againſt the Act of Oblivion then paſſed: nor is he bound in "Law, as his Learned Counſel aſſure him, to anſwer for any "Words alledged to have been ſpoken by him unleſs queſtioned for "them within three Months after they were ſpoken, according to the "Laws of this Kingdom. But though the Defendant hath ſo far compli- "ed with his Lawyers as to have named the former particulars, yet it is "not out of any deſign to eſcape either Trial or Juſtice: therefore he is "ready to give an account to His Majeſty of the Actions of his whole "Life, in reference to His Majeſties Service, whenever he ſhall be called "to it; particularly for the Truſts and Imployments his Majeſty honou- "red him with, being ſo confident of his own conſtant unſtained Inte- "grity and Loyalty, and of His Majeſties Juſtice, that he is not afraid of "the iſſue of the whole Matter, himſelf being ſo Innocent and his Judge "ſo Juſt; therefore he ſhall anſwer plainly and particularly to all the "Matters of Fact laid to his Charge, leaving the Plea in Law, together "with the neceſſary diſtinction of points of Treaſon from Miſdemea- "nours, to his Learned Counſel when they ſhall be allowed to plead.

Anſwer to Article 1.

The Anſwer to the firſt Article.

"To the firſt Article the Defendant ſays, nothing can be more falſe "than that he ever uſed any ſuch Expreſſions, he knowing well his Ma- "jeſties Affection to that Kingdom, and to the Liberties and Freedoms "of it. There is neither Time, Place, nor Perſons expreſſed to whom "ſuch Words ſhould have been ſpoken, nor upon what occaſion, nor to "to the People of what Kingdom they were uſed, nor are any of his "Actions condeſcended on to make out what is charged on him; nor "knows he who are meant by his Emiſſaries, Inſtruments or Creatures; "if any have uſed ſuch ſeditious Speeches let them be puniſhed for them, "but he cannot be anſwerable for other men, unleſs it be proved they "acted by his Order and Direction: therefore the Defendant ſimply de- "nies what is alledged in this Article, as baſely falſe and forged.

Charge.

Article 2. *That he hath moſt ſeditiouſly endeavoured to exaſperate His Majeſty againſt His Subjects of* Scotland, *by Invectives againſt them to His Majeſty, even before their falling off from their Obedience: by adviſing His Majeſty to make War againſt them, affirming that His Majeſty would never be King of* Scotland *unleſs He conquered it, which he likewiſe then averred would be a Work only of three Months time; and at the ſame time encouraging them moſt treacherouſly to withſtand His Majeſty, and take from Him His Power, and His Rights, particularly, exciting them thereunto, by vilifying Speeches of His Sacred Perſon, That if they awed Him, He was ſuch a Coward they might have*

have of him what they would, but if they gave him his Will, he would prove a verier Tyrant than ever Nero. *An.* 1643.

Answer.

"To the first branch of the second Article the Defendant says, he "appeals to His Majesty how false it is, who knows well that the Com- "motions of *Scotland* were begun a year before he was imployed in *Sco-* "*tish* Affairs, which had been before that trusted to other Persons of "Honour in that Kingdom; and that the Covenant was generally taken, "the Courts of Justice removed from *Edinburgh*, the *Tables* formed, "Protestations used against His Majesties Proclamations before he was "engaged. His Majesty also knows well, that he had never advised these "Innovations which gave the rise to these Commotions, nor engaged in "the Affairs of that Kingdom but upon His Majesties particular Command, "without which he had designed to avoid all meddling in them; so that "nothing can be more notoriously false than that part of this Article is, "*That the Defendant did exasperate His Majesty against that Kingdom, or* "*advised Him to conquer them before they fell from their Obedience.* It is true, "after His Majesty had thought fit to imploy the Defendant in those Af- "fairs, he did give him clear advertisements of the state of Affairs in that "Kingdom, not sparing his nearest Friends, as His Majesty well knows; but "gave no advice, but what he thought agreed both with the Duty of a "good Subject and Patriot. He never advised His Majesty to conquer "or subdue that Kingdom, or to govern it as a Province; for he takes "the suppressing of a Party in Arms against the King, or who were reject- "ing his Authority, to be very different from conquering the Kingdom: "and therefore as he simply denies the first branch of this Article, so he "refers the clearing of his Innocency in this to His Majesty, (who cannot "but know best what he advised him) and to the Letters he wrote to "His Majesty if they be yet remaining.

The Answer to the second Article.

Comp. p. 30. *and* p. 43.

See p. 38.

"The next branch of the Article is of a piece with the former as to "falshood. He hath often seen eminent Proofs both of His Majesties Cou- "rage and Clemency, and never entertained a dishonourable thought of "His Person; and he is able by many Compurgators to prove, that his "Discourses of His Sacred Person have been always such as became a "dutiful Subject, and an infinitely obliged Servant. It is not to be ima- "gined he could have used such expressions before Witnesses, and if any "single Persons say they heard them from him, he asserts they are Lyars, "and dare not say so if he have a sword in his hand.

Charge.

That whilst he was the Kings Commissioner he did palpably foment the Dif- Article 3.
ferences betwixt King and Country, as particularly by these Evidences following: (viz.) *Whilst he might have settled at his first Arrival all those unhappy Differences, by yielding to the People such things as would have contented the Country, and which His Majesty had given him Warrant by his Instructions to condescend unto; as particularly by the removal of the Service-Book, Book of Canons, High-Commission, five Articles of* Perth, *and* Episcopacy *only limited in a moderate way; he by the contrary, upon his first coming to* Scotland, *being acquainted herewith, having the same represented to him to the full, did in a fomenting way, so pleasantly deny, as if he would have had some further to have*

been

An. 1643. *been ſought. And whilſt before his coming all his Friends and Followers, and ſuch as did belong unto him, did reſolutely ſtand out againſt that Courſe, no ſooner was he come, but all of them perceiving his ſtrain did on a ſudden quit their former way, and violently joyn themſelves to the other Party: witneſs amongſt others the late Earl of* Hadington, *Sir* Alexander Hamilton *his Uncle, now Maſter of their Ordnance; (a main ſtickler) the Earl of* Lauderdale, *and his Son the Lord* Maitland, *of all men moſt intimate with him; to omit his Brother-in-law the Lord* Lindſay, *a Principal Actor in that Rebellion from the beginning, and his Couſin-German the Earl of* Glencairn, *who continuing long firm for His Majeſty, in end (by his ſecret ſollicitation as is thought) made Defection: by which and ſuch-like he cunningly neceſſitated the breaking up of the Aſſembly at* Glaſgow, *that the Water might be once troubled, and the Country quite abandoned unto themſelves.*

Anſwer.

The Anſwer to the third Article.

"To the third Article the Defendant ſays, he was ſo far from foment-
"ing the Differences betwixt His Majeſty and his Subjects of *Scotland*,
"that he did all that was in his power to bring Matters (which were quite
"imbroyled when he went Commiſſioner thither) to a happy Cloſe; and
"that he did yield to them all ſuch things as he had power to grant,
"which he is ready to make appear by comparing his Actings with his
"Inſtructions. It ſeems the Accuſers knew well what would have ſatis-
"fied the Country, but underſtood little what his Inſtructions were. The
See p. 40. n. 7. "Covenanters in all their Petitions to the Defendant expreſſed that no-
"thing would content them without a Free Aſſembly and Parliament,
See p. 50. 51. "and the Defendant being neither inſtructed to do that, nor the other
"Particulars which by the Article are falſly ſaid to have been in his In-
"ſtructions, he, after he had proclaimed all the Favours he was empower-
See p. 64. "ed by His Majeſty to grant, came to Him to this Kingdom, and recei-
"ved new Inſtructions, according to which he proclaimed all he had War-
"rant from His Majeſty to grant: nor did he ever deny or conceal any
"of His Majeſties Graces to his People, or provoke them to new De-
"ſires, but did all was in his power to make them reſt ſatisfied with His
"Majeſties Gracious Conceſſions. He alſo ſtayed with the Aſſembly of
"*Glaſgow* as long as his Inſtructions warranted him, and did all he could
See p. 107. "to keep them from thoſe Extremities which enforced the Rupture; and
"in his whole Proceedings he carried along with him not only the Aſ-
"ſeſſors His Majeſty appointed him to adviſe with, (the Earl of *Argyle*
"only excepted) and the Secret Council, but likewiſe the Biſhops,
"whoſe advice he got and followed: all which he is ready to make out
See p. 96. 97. "by comparing his Inſtructions and His Majeſties Letters to him, and the
"Letters he got from the Biſhops, with his Proceedings at that time, from
"which the falſhood of this Article will plainly appear.

"Nor can he be charged with the faults of his Friends or his Follow-
"ers. It is known how much the places where his Intereſt lies, were gain-
"ed to thoſe Courſes before he was Commiſſioner, and yet many of his
"friends did ſtand out againſt the Courſes others then followed, though
"they were not able to make head againſt the more prevailing Party
"round about them. For the Earls of *Glencairn* and *Lauderdale*, they
"continued in their Duty to the King till the Pacification, nor did they
"take the Covenant (for ought he knows) till His Majeſty allowed it;

for

"] for the Earl of *Lindſay*, he did not joyn in theſe Courſes after the De- *An.* 1643.
"fendant went to *Scotland*, but engaged in them from the beginning,
"though much pains was uſed by the Defendant to divert him from
"them. And as the Defendant is not anſwerable for the Actions of his
"Friends, much-leſs is he accountable for the Thoughts of his Enemies,
"who may Charge what they pleaſe on the ſuſpicions of his ſecret Solici-
"tations, which are their own groundleſs and malicious Forgeries: there-
"fore this whole Article is falſe, as the former are.

Charge.

That he traiterouſly betrayed His Majeſties Service while he was in the Frith, *and had His Majeſties Truſt and Command of His Fleet and Forces therein: and whilſt he was thus, as appeared, in Arms for His Majeſty, he intended nothing leſs, as appears by his Friends and Followers their underhand Dealings, ſuggeſting that his taking that Charge upon him was out of his love and reſpect to his Country, thereby to prevent that ſome other ſhould not be put upon it, who might have made uſe of that Power and Force to their Prejudice, whereas he never intended any ſuch thing; by which he did not only moſt baſely betray His Majeſties Truſt, but there did alſo endear himſelf to the People, and by the ſame means exaſperate them againſt their King and Sovereign. And that he was not only acceſſory hereto, but really guilty of the thing it ſelf, appears by his own Diſcourſe to divers Perſons, that if he had pleaſed he could have landed his Forces, and done what further he was Warranted by his Commiſſion, but that he never intended it; which Double-dealing may be yet more clearly evinced, in that he had frequent private Meetings, Correſpondencies, and Practices with the Counter-party, as particularly by his Ordinary Appointments upon the Sands of* Barnbougal, *and other places next adjacent, where he uſually kept his Meetings with ſome who were moſt deſperate Leaders and Promoters of theſe Courſes. And the Prime Inſtruments of the Committee and Cabinet-Counſels there amongſt them, then at the very ſame time, and in the greateſt heat of all the buſineſs, did profeſs and give aſſurance both by word and under their hands, that* Hamilton *was the greateſt Favourer that ever their good Cauſe had, notwithſtanding of all that the formality of the time obliged him to profeſs to the contrary. And not only in* Scotland, *(where it was generally known to be ſo) but even ſome of the* Scotiſh *Commiſſioners did profeſs to ſome of this Kingdom, that* Hamilton *had done things which they did not approve; but yet that he had been much more Friend than Enemy to the Courſes of the Country, and had done much more good than evil: yea* Argyle *himſelf upon a private diſpute, falling into heat, delivered, that he and thoſe others did nothing but by* Hamilton's *Directions, Knowledg, or private Approbation. As alſo whilſt he was in the ſame Expedition, being frequently invited by all His Majeſties good Subjects then in the Northern parts of* Scotland, *he moſt treacherouſly betrayed them, and abandoned the buſineſs, as particularly can be inſtanced by the Marquis of* Huntly, *who being appointed to receive His Majeſties Orders from time to time by* Hamilton, *whilſt he did endeavour at the beginning at* Turreff, *and other places, vigorouſly to ſuppreſs that Party, was ſtraitly inhibited to engage; but by the contrary, by peremptory Orders willed to ſuffer the Malignant Party to be the firſt beginners, by which Reſtraint the Buſineſs was totally ruined, as is notoriouſly known. After which, the Viſcount of* Aboyn, *being cloathed by His Majeſty with Commiſſions, and to have had ſome experimented Officers along in that Imployment, the ſaid Duke of* Ha- Article 4.

An. 1643. milton *did break off that probable Course, and engaged such of his own Election and Trust, who did so evidently miscarry the Business, as thereafter they were to be accused by the whole Noblemen and Gentry of that Party. Like-as he having got Orders about the same time from the King, to send Sir* Nicholas Byron's *Regiment to assist the King's Party in the North, who could easily have reduced all that Country to His Majesties Obedience; notwithstanding thereof, and of their frequent Sollicitations to have it done, he still shifted the Business, and would never give way to it, pretending that he had some other Design in hand for them, though all they had to do was to Die below decks, and be thrown over-board into the Sea. And how often he might have put Forces great enough to Land, and how frequently he was invited to it, the whole Kingdom can bear witness.*

Answer.

The Answer to the fourth Article.

"To the fourth Article the Defendant says, it is most false that he betrayed His Majesties Trust or Service when he commanded the Fleet, "and that he is ready to justifie every step of his Actings there by His "Majesties Instructions and Letters, which he received every third or "fourth day when he had that Imployment; nor is he answerable for what "others might have said of him. His Majesty knows well that he did not *See* p. 114. "desire that Imployment for himself, but conscious of his own unfitness "entreated to be excused from it; this His Majesty not allowing, he un- "dertook the Service: and His Majesty likewise knows what Informati- "ons and Advices he sent him, and that he gave punctual and ready Obe- "dience to all the Orders he received. Nor was his Service there useless, "for besides the great Diversion it made by the huge Bodies were left to "guard the Coast, he took divers Ships, particularly some coming from "*Germany* with many Officers, who were returning home to offer their "Service to the Covenanters: and his Carriage was so far from making "him gracious to that Party, that none was more odious to them, which "appeared in the Curses and Reproaches were cast on him as he passed *See* p. 144. "through the streets of *Edinburgh* to possess the Earl of *Forth* of the Ca- "stle, a little after the Pacification; nor had it been possible for him to "have escaped at that time more sensible Affronts, if he had not taken "some Leading men of the Covenanters along with him. When the De- *See* p. 124. "fendant was in the *Frith*, he sent His Majesties Proclamation to those "then in Arms, and used all means possible to engage them to a Compli- "ance with it; nor had he any Conferences with them in secret when he *See* p. 133. "was aboard, but had always some Witnesses by when any were sent "from the Covenanters to him, and did immediately give His Majesty "an account of all that passed, for proof whereof he desires his Letters *See* p. 131, 133. "to His Majesty be examined. Neither had the Defendant any Orders "to land his Men till His Majesty was come to *Berwick*, but had expres "Orders to the contrary: and it was thought, that his lying in the *Frith* "did more amuse the Enemy than his Landing could have prejudiced "them, since they being uncertain where he might land, great Bodies were "kept upon the whole Coast, which, if he had landed, had gathered "together against him, and had been too strong for him, being about "four times his number. Nor did the Defendant make any Appoint- "ments on the Sands of *Barnbougal*, as is most falsly alledged; nor did he "ever set his foot on Land, except on the Isles of *Inchcoln* and *Inch-* "*keith*, all the while he lay in the *Frith*. It is true he was once very near "the Sands of *Barnbougal*, but on a very different design: he chasing a

"Bark

"Bark that run her ſelf aground there, was likewiſe ſtuck faſt, and had *An.* 1643.
"almoſt been taken Priſoner, divers Volleys paſſing betwixt his men and
"thoſe on the Land; but his Boat-men with much ado got him off. Nor *See* p. 138.
"had the Defendant any Orders to proceed to Hoſtilities till two of his
"Regiments were called to the Camp, nor could he ſafely land the other
"that remained conſiſting only of 1700 men. It is true, upon His Ma-
"jeſties Orders he was reſolved to do the Enemy all the miſchief he could;
"but about thirty hours after he got theſe Orders, (in which time he
"was conſidering where he was firſt to make an Impreſſion, and did go
"out himſelf to have fired ſome Ships, but by a miſchance was run on a
"Shelve, ſo that he loſt that Tide) they were countermanded by new
"Orders: for His Majeſty having reſolved to Treat with the Enemy, *See* p. 139.
"commanded him to go on to no more Hoſtilities, but to come and wait
"on His Sacred Perſon; ſo that the Defendant having in all things fol-
"lowed His Majeſties Orders in that Service, was well approved of by His
"Majeſty. Nor can any thing be charged on him from what the Lead-
"ers of the contrary Party might have ſaid or written of him, either then
"or ſince, which might have been done on deſign either to encourage
"their own Party, or out of hatred to the Defendant, that thereby they
"might poſſeſs His Majeſty with jealouſies of him. Nor was the Defen-
"dant ever invited by His Majeſties good Subjects to come North, ex-
"cept by one Letter the Earl of *Airly* wrote him, which he got after His *See* p. 140.
"Majeſty called the two Regiments from the Fleet; and about that time
"His Majeſty commanded him to ſtop all Hoſtilities, and give attendance
"on His Perſon. He had likewiſe expreſs Orders from His Majeſty not *See* p. 123.
"to think of the North, till ſome good were done in the South; and it
"is moſt falſly alledged, that when he was there, he abandoned the Mar- *See* p. 117.
"quis of *Huntley*, who was taken Priſoner before either he or his men
"were Shipped: and the Orders he ſent that Marquis were by His Ma-
"jeſties expreſs Commands, founded on very good reaſon, that he ſhould
"not make a Rupture till His Majeſties Forces were drawn together, and
"near the Borders, leſt (as by the event did appear) the Enemy ſhould
"have overpowered him if he begun too ſoon; and as the Defendant
"hath been informed, that Buſineſs was ruined, not by the Reſtraint theſe
"Orders gave, but by the Treachery of ſome of the Defendant's Accu-
"ſers, who were then in Arms againſt him, and took that Marquis un- *See* p 135.
"der Truſt. And when the Viſcount of *Aboyn* came to the Defendant 137.
"with His Majeſties Letters, (which were of a very old Date) he was
"ſupplied to his hearts deſire, as himſelf profeſſed. His Majeſty had be-
"fore his coming called away two of the Regiments that were with the
"Defendant, and he had Orders not to weaken the other; ſo falſe is it
"that he had Orders to ſend *Byron*'s Regiment to the North: but he gave
"the Viſcount of *Aboyn* ſome experienced Officers, Arms, Ammunition,
"and Money. And the Defendant hath been well informed, that the Miſ-
"carriage of that Attempt did not flow from thoſe he ſent with that Lord;
"but that being encountred by Souldiers commanded by ſome of the De-
"fendant's Accuſers, his Lordſhip betook himſelf to his heels: but the
"others whom the Defendant ſent with him behaved themſelves gallant-
"ly, and laid all the blame of their bad ſucceſs on that Lord. It is alſo
"falſe that *Byron*'s Regiment was kept to die below Decks, ſince from
"the time they went aboard till they were diſcharged, there died not ten
"of their number; ſo falſe is this Article in all its branches and aſſertions.

An. 1643.

Charge.

Article 5. *That in all his demeanour he went about to advance the deſigns of that People againſt the King, as by ſecret encouraging them to perſiſt in their obſtinate Courſes, ſo by private diſcouraging of well-affected men to perſevere in their Allegeance; and in particular did adviſe ſome Noblemen (who craved his Opinion how they ſhould behave themſelves in theſe Diſtractions) to agree with the Country, and go home and make their own Peace. Like-as after the Pacification at* Berwick, *continuing in his wonted ſtrain of incenſing, in an underhand way, the People againſt their King, being demanded why he denuded himſelf of his former Commiſſion; his Anſwer was, becauſe he knew the King intended to keep nothing of that which at that time he had condeſcended unto, otherwiſe he would not eaſily have parted with the Honour of that Service. By which he did ſo wound the King in the Opinion of His Subjects, of the ſincerity of His Intentions, That as no one thing did at that time breed more rubs and difficulties to His Majeſties Service; ſo is there nothing by which the People are more readily and eaſily ſtirred up to the preſent Riſing in Arms, than the Opinion they then, and by his continual underhand working, have ſince drunk in of the King's Intention to reverſe (in caſe he ſhould prevail in* England) *all the Acts and Favours he had condeſcended unto to His Subjects of* Scotland.

Anſwer.

The Anſwer to the fifth Article.

"To the fifth Article the Defendant ſays, he ever ſtudied by all the "means that became a good Subject and Countryman to bring the Diffe- "rences betwixt His Majeſty and His Subjects to a happy Temper; and he "deſires the Malice of his Accuſers in forming this Article (as all the reſt) "be conſidered, wherein baſe Diſcourſes and Advices are faſtned on him "without naming the Perſons to whom they were given: and in this he "cannot but commend his Accuſers Prudence, who have named no Per- "ſon till they have tried upon whom they can ſo far prevail as to be "guilty of the wickedneſs of owning ſuch Lies. The Defendant can "prove the contrary by many, in whoſe Preſervation it is to be ſuppoſed "he is more concerned than in any they can name, with whom he uſed "his utmoſt endeavours to perſwade them to adhere cloſely to His Maje- "ſties Intereſts, which prevailed on ſome, though not on all; nor did he "adviſe any to agree with the Country, till he knew His Majeſty was re- "ſolved to end the Buſineſs in a Treaty, in which caſe it could be no "Crime to adviſe any to make their own Peace; nor did he ever infuſe "into any Perſon a jealouſie that His Majeſty would void the happy Set- "tlement of *Scotland*: ſure he is, he ſaid and did all was in his power to "root theſe jealouſies out of the Subjects minds, which he can prove by "innumerable Witneſſes and Preſumptions; and no man durſt ſay he "heard any of the Diſcourſes mentioned in the Article from the Defen- "dant, if he were in a capacity to call him to an account for it. Nor did "he deſire to be free'd of his Commiſſion on the account that is falſly al- "ledged in this Article, but finding his continuing in that Place gave a *See* p. 146. "Jealouſie not only to the Country, but to the Counſellours and Officers "of State, as if too great a Truſt had been heaped on one Perſon; and "apprehending that the expence and greatneſs of that Character, continu- "ing long in one man, would breed Envy, and much retard his Majeſties "Service, he deſired a fitter Perſon might be put in that High Truſt, and "that he might be ſuffered to continue about His Majeſties Perſon, who "he ſuppoſes does remember well upon what grounds he deſired to be

"free'd

"free'd of that Great, but Invidious Character: thus this Article is alſo *An*, 1643.
"intirely falſe.

Charge.

That in the Petition to His Majeſty for diſcharging the Annuity (which was not ſo much pretended for that, as to be a pretext under which a firm Bond and Aſſociation might have been contracted amongſt all Loyal Subjects, for the Preſervation of the Kings Perſon, Honour, and Authority, and a ſtrict Conjunction amongſt themſelves) he could not be induced to put his hand to it, untill a Clauſe conceived in favours of His Majeſty to the effect above-expreſſed, (as too great an eye-ſore) was daſht out; and the ſame thus daſhed being ſent up to Court, and the deſire of the Petition moſt Graciouſly condeſcended unto by His Majeſty, and delivered unto the Earl of Lanerick, *chief Secretary, the ſame was kept up to the great amazement of all thoſe Noblemen and Gentlemen who had ſigned the ſame, and total diſcouragement of others to appear in that or any ſuch Courſe thereafter.* Article 6.

Anſwer.

"To the ſixth Article the Defendant ſays, that he ſees there is nothing The Anſwer
"ſo falſe but his Enemies have the impudence to faſten it on him, ſince to the ſixth Article.
"he was one of the chief Contrivers and Promoters of that Petition, as
"he can prove by hundreds of Witneſſes; nor did he daſh, or cauſe to be *See* p. 211.
"daſht out, any Clauſe that was conceived in His Majeſties favours, which
"his Enemies with their uſual falſhood ſay was too great an eye-ſore. It
"is true, he ſaw divers Draughts of a Petition againſt the Annuities,
"and ſome of them had expreſſions in them which the Judicatories of
"that time would have declared contrary to Acts of Parliament, which by
"the advice of good Lawyers, all that were well-affected to His Majeſties
"Service rejected; and yet the Draught agreed to will be found to con-
"tain very plainly the Aſſurances of their Fidelity to His Majeſty: and
"that Draught being agreed on, the Defendant ſent it to all the Places
"where he had Intereſt, and procured very many Subſcriptions to it; ſo
"unjuſtly is the Defendant charged in this Article. But as theſe Subſcri-
"ptions were thus procured, the Council ſtopped all further Proceed-
"ings in that Buſineſs by a Declaration, forbidding any to ſubſcribe it;
"nor did His Majeſty ſend any Anſwer to thoſe Petitions to the Defen-
"dant. It is true, by his Inſtructions he did empower them to diſcharge
"the Annuities to ſuch as had petitioned about them: if this was not *See* p. 220.
"done, it was not only the Defendants deed, but was the concurring Opi-
"nion of the others joyned with him in Truſt by His Majeſty, who he
"doubts not ſhall be able to give a very good account of that, as of all *See* p. 223.
"the other particulars committed to their Truſt, when-ever His Majeſty
"ſhall call them to it, and ſhall ſhew him very good reaſons why they did
"not proceed any further in that Affair.

Charge.

That ſince he left His Majeſty at York, *he hath been ſtill labouring to fruſtrate the good Intentions of His Majeſties faithful Subjects of* Scotland, *and to bring Matters to the Paſs they are now at, which may be clearly evinced by the particulars which follow. Firſt, when ſome Noblemen of that Kingdom well-affected to His Majeſties Service, perceiving the Intentions of ſome there to engage that Nation in Rebellion with the Malignant Party here, made offer of all their beſt Services and ready endeavours to prevent the ſame, for themſelves, and in the name of all the Kings greateſt and beſt-affected Party there; he, to diſappoint thoſe promiſing and evident Courſes, thruſt himſelf into the Buſineſs,* Article 7.

and

An. 1643. *and in a very ſeeming plauſible way undertook to keep that Kingdom in Peace and Quiet, and from attempting any thing upon this Nation, or againſt His Majeſties Service now depending here, and (to make it appear the more ſpecious) without making uſe of any Force, or putting His Majeſty to any Trouble or Charges; and withall ſolemnly engaged to break off all his Alliance, Ties, and Friendſhip with the Marquis of* Argyle, *(who doth make himſelf ſo much the Head of that Rebellion againſt His Majeſty) or otherwiſe perſwade him to acknowledg himſelf, and become, a good Subject, and that betwixt and three Months thereafter at fartheſt: the effect of all which undertaking had this reſult, Firſt, that immediately upon his return to* Scotland *a Convention of the Eſtates was indicted without the King's knowledg or conſent, a Precedent whereof can never be ſhown in any Records; which coming to His Majeſties knowledg, He did immediately direct a Letter under His own Hand, willing that* Hamilton, *and ſome other of his Complices, who had His Majeſties Truſt for the time, ſhould declare the ſaid Meeting Illegal, and diſapprove it in His Majeſties Name. About the time of the Receipt of which Letter the ſaid* Hamilton, *and ſome of his Cabal, did employ the Earl of* Calander *from them to ſpeak with a great many Noblemen of the Kings Party, and take their Advices in what was to be done; and they who underſtood nothing of His Majeſties Letter (it being altogether kept up from them) declared all in one voice, their Judgments were that His Majeſty ſhould diſclaim the Convention, and declare it Illegal, and that they would all be willing to joyn with* Hamilton *and his Party, and take their Lives in their hands to maintain His Majeſties Honour and Authority; and free themſelves from the Slavery of thoſe rebellious Tyrants. It was anſwered them again by the ſaid Earl of* Calander, *(His Majeſties Letter being ſtill ſuppreſt) That the King would needs approve of the Convention with Limitations; To which it was replied, That they behooved either to be very ignorant or unfaithful who had given His Majeſty ſuch Advice, ſeeing thoſe People would never confine themſelves within Limits, or take a part, if it ſhould be left them in their power to extend themſelves and over-reach all; and that they would on no terms aſſent to any ſuch Courſe, as being intended for nothing elſe but a hollow undermining of His Majeſty and all His faithful Subjects. So they parted with little ſatisfaction on either hand, and ſome days thereafter the ſaid Earl of* Calander *was again directed to the ſame Parties, to perſwade them ſtill to the former Overture, but to no effect: yet in end, leſt the Service might ſeem to ſuffer by ſo much difference in Opinion, they deſired* Calander *to ſhew* Hamilton *and thoſe of his Party, that ſince he was only truſted and employed by His Majeſty in the Buſineſs, their Affection and Tenderneſs to the Service ſhould make them very unwilling to differ with him in the way; and however in their own Judgments they did no way approve that the King ſhould ſo far wrong His Authority, as to allow of any ſuch Illegal Proceedings, which did portend from bad Cauſes worſe Effects; yet ſince His Majeſty would do it, and they needs have it ſo, they ſhould go along, but with one* Caveat, *which was, That if the Convention did not obſerve theſe Limitations preſcribed by His Majeſty, in that caſe, that they ſhould proteſt, and withdraw preſently from the Houſe; and that then all who were for His Majeſties Service ſhould immediately joyn themſelves together, and take the Field. This being ſolemnly concluded, and with much atteſtation, it was reſolved, that all who did affect the Kings Service, and had Vote in the Convention, ſhould be preſent there, upon certain hopes that they ſhould be able to ballance either by Voices all violent Courſes, or at leaſt to proteſt againſt them, and adhere to His Majeſties Service and Authority in a vigorous way. But all their great Promi-*

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ſes and fair Aſſurances were either not intended, or very ſoon forgotten: for An. 1643.
whilſt it was the firſt Act of the Convention, after His Majeſties Letter was read, to Voice themſelves a Free Aſſembly as any had ever been kept in that Kingdom, notwithſtanding of the Reſtraints in His Majeſties Letter, and that in that caſe Proteſts and Declarations, and every thing elſe in His Majeſties behalf were faithfully aſſured, they came ſo ſhort of that, as when Hamilton's *Voice was asked, and all expected he ſhould have made a Proteſt, he pronounced ſo doubtful an Oracle, as* Argyle *ſeeming to queſtion of what ſpirit it came, (though no queſtion it had been oft ſo concluded among them the more to poſſeſs others with panick fears) deſired he ſhould explain himſelf, if that he meant not thereby any Proteſt; who anſwered, that he never intended to proteſt againſt a National Convention, and that it ſeemed his words were very much miſtaken. To ſecond this, his Brother* Lanerick, *the King's chief Secretary, roſe up, and had a Diſcourſe to qualifie* Hamilton's *expreſſions, and free them from all ſuch diſloyal blemiſhes, as a Proteſt in the Kings behalf: ſo all who were to have declared themſelves for His Majeſty, being ſurprized by ſo ſtrange and unexpected a way, withdrew, and retired themſelves from the Meeting in a general Diſcontent. And yet their Affections being ſuch to His Majeſties Service, as they were unwilling to leave it on theſe Terms, however ſo badly handled, would not let it reſt there, but would yet put him a little further to it, making again the offer of all their beſt Endeavours for His Majeſties Service; deſiring that ſince he was only the Perſon chiefly imployed by His Majeſty, and one who had moſt intereſſed himſelf in the King's Truſts, that they might be directed by him in the matter of His Majeſties Buſineſs, how to carry themſelves, and whether or not it were more fitting for the Service that they ſhould ſit in the Convention, or abſent themſelves, or do whatſoever elſe. He was ſo far (notwithſtanding of his Imployment and Truſt) from giving information, encouragement, or advice, as all that he returned them for their Affection and Faithfulneſs to His Majeſties Service, was, That they might uſe their own Diſcretions, and do as themſelves ſhould think fit; which did ſo evidently diſcover unto them his hollow-hearted Cunning, the Ruin by conſequence of His Majeſties Affairs, the ſlight and cold way they themſelves were uſed, and the tickliſh condition he had ſo mired them into, as they ſeemed conſtrained for the moſt part to keep the Convention, and countenance all thoſe Illegal and Rebellious ways were taken in it. And it is likewiſe to be remembred, that notwithſtanding His Majeſties Letter, wherein He declared His expreſs Pleaſure anent the diſcharge of that Illegal Indiction, that they did not only ſuppreſs the ſame, and keep it up from the knowledg of the King's faithful Party there, but alſo did procure from His Majeſty an allowance to that Illegal Meeting, contrary to His Majeſties Pleaſure already expreſſed unto them, and the wiſhes and deſires of all the faithful Party in that Kingdom. It is alſo to be called to mind, that after all hopes and probabilities of the Kings Service in the Matter of the Convention, were abſolutely deſerted and given over, that* Will. Murray, *who was commanded by the King to Agent His Affairs there then, deſired a Meeting of thoſe of the Kings Party, who had already kept theſe two Appointments with* Calander *before the Convention, who (notwithſtanding His Majeſties Service had been ſo groſly and palpably already miſcarried, and they themſelves ſo notably abuſed in it) being willing to ſtudy rather the Remedies than regrate the Diſeaſe, and redeem the Time rather than complain of its loſs, once for all were content to hear what could be propounded for the recovery of Buſineſs; which only proved, that they would undertake, and joyn to re-gain that After-game which a few had ſpoiled, and*

all

An. 1643. *all given over. Notwithſtanding whereof they gave it* Will. Murray *back in his Commiſſion to* Hamilton *and his Complices, that if they would really and even down put on a Reſolution to appear vigorouſly and to purpoſe in the Service, they in that caſe (to ſhew they ſhould not mingle themſelves nor any of their particulars) would be willing to follow, were it* Hamilton *or any, in what ſhould prove to the advancement of the Service: otherwiſe, if they thought that too much, that they would be willing to joyn hand in hand, and put their Lives and Fortunes and all together at the ſtake with them; and if that did not ſatisfie, but that they eſteemed it too raſh a Buſineſs for men of ſo much cunning to engage in, that they would but approve them to put it to a hazard, and they would willingly take their adventure, which ſhould they carry they could be very willing that* Hamilton *and his Party ſhould have the eſteem of it, did they miſcarry or ſuccumb, that he and his might take their own Courſe of Safety without being concerned in their Misfortunes. This Commiſſion being home and heartily delivered, it was promiſed by* Will. Murray, *that* Hamilton *and his Party ſhould be preſently put to it, and an Anſwer returned; for the more haſty diſpatch whereof, they ſending along one of their own number to expede the Return,* Hamilton *and his Complices being ſeveral times convened and preſſed upon it, did abſolutely refuſe to meddle in that kind, which was all their Anſwer: ſo that the other being willing, notwithſtanding of all theſe hollow-hearted Treacheries, both before, in the time, and after the Convention, either to follow, joyn, or hazard alone in His Majeſties Service, would they but approve it, they refuſed all either to do alone, joyn, or ſuffer others to do it; after all which there could be nothing reſting but an invincible neceſſity to know His Majeſties own Mind; ſince they who had his ſole and abſolute Employ and Truſt did ſo much abuſe it to His Diſſervice.*

By all which points, circumſtances, and cunning fetches, to bring this Convention to the wiſhed period, it may clearly appear to every undeluded eye, that he is acceſſory to that bad Plot of raiſing this Army in Scotland, *to diſturb the Kings Affairs in this Kingdom, that ſo all being brought to a* Chaos *of Confuſion, he might the better fiſh his hopes and ends from amongſt ſo troubled waters.*

Anſwer.

The Anſwer to the ſeventh Article.

"To the ſeventh Article the Defendant ſays, he does not much wonder that his Enemies have filled this up with many Falſhoods, ſince "they have the impudence in the former Articles to faſten many things "on him which were known to His Majeſty to be Falſhoods: but no "wonder their Malice does culminate in aggravating the particulars of "this Article, they being recent and paſſed ſince His Majeſty was in *Scotland*, and ſince the Defendant had the Honour of waiting on His Majeſty, and giving him more particular Informations than Letters or Meſſengers could carry; and the tragical event of Affairs ſeems to offer colours (as is uſual in ſuch caſes) for charging thoſe who had the chief "Truſt in them. But the Defendant doubts not he ſhall be able to make "appear the falſhood of this Article, in all theſe particular inſtances "with which he is charged: and Firſt, His Majeſty knows beſt of any if "he did thruſt himſelf into Affairs, and if he did not act only as he was "commanded and employed by him; nor does the Defendant know "who thoſe Noblemen were that made ſuch Offers: His Majeſty knows "better if any ſuch were made. The Defendant knows well that ſome "of his Accuſers made ſome Offers to Her Majeſty about eight Months "after His Majeſty had ſent him to *Scotland*: but as theſe Offers were "de-

Comp. p. 212. *with* p. 195.

"deſigned to make His Majeſty the firſt breaker, which would have *An.* 1643.
"been infinitely to the prejudice of His Service, and have given incurable
"jealouſies to the Subjects of all His Majeſties Conceſſions, ſo no rational
"Methods were propoſed for proſecuting them; and it ſeemed they flow-
"ed from the deſperate State thoſe Lords were in, who had engaged as
"deep againſt the King as any had done; but afterwards not meeting
"that Eſteem and thoſe Rewards which their Ambition and Vanity had
"deſigned, and their Fortunes being ruined, they pretended much zeal
"for the Kings Service, but offered no rational appearances of being able
"to proſecute what they undertook. But the Defendant, as both their
"Majeſties well know, laid the whole Matter before them, with his own
"Opinion, and the grounds on which he went: and they do alſo know
"with what impudent Falſhood it is alledged, that he undertook to keep *See* p. 215.
"the Kingdom of *Scotland* in Peace, ſince both in his Diſcourſes and 227, 228.
"Letters he often ſaid, he would undertake for none but himſelf; and
"that he very much feared the Conjunction of that Kingdom with the
"Two Houſes, and that the utmoſt of his Hopes was to keep off things
"by delays for that year: and in this he appeals to His Majeſty, and to
"all in the Court with whom he kept Correſpondence. And for his En-
"gagements to break with the Marquis of *Argyle* if he did not faithfully
"adhere to His Majeſties Intereſts, it is well known how ill an under-
"ſtanding, and how little Correſpondence, hath been betwixt the Defen- *See* p. 210.
"dant and *Argyle* theſe twelve Months paſt. His Majeſty alſo knows,
"that when the Chancellour of *Scotland* was ſent up laſt, the Defen-
"dant wrote to him to look well to him, for it was believed (and it
"was the Defendant's own Opinion) that if he went to *London* he
"would engage in an Union with the Two Houſes, in name of the King-
"dom of *Scotland*, of which when His Majeſty challenged the Chancel-
"lour, he denied it, and ſaid, Theſe were Jealouſies infuſed into His Ma-
"jeſty by the Defendant; ſo far was he from abuſing His Majeſty with
"vain Hopes. Nor is it ſtrange that his Enemies charge Falſhoods on
"him in Matters pretended to be tranſacted among few hands, ſince they
"are ſo impudent in Matters that were publick, as to ſay that immedi-
"ately upon his return to *Scotland* a Convention of Eſtates was called, *Comp.* p. 195.
"for that was not done but after he had been ſent to *Scotland* almoſt a *with* p. 218.
"whole year: and all that time the Defendant did render His Majeſty
"ſuch Services, that he was pleaſed out of His Royal Goodneſs not only
"to write him many Letters of Thanks, but to confer divers marks of
"His Favour on him. And when the Convention of Eſtates was ap-
"pointed to be called, the Defendant did all he could to oppoſe that *See* p. 218.
"Reſolution, and entred his Declaration againſt it, which is yet upon
"Record, having omitted nothing he could either ſay or do to hinder
"the Calling of it, for which Service he received a particular Letter of
"Thanks from His Majeſty: and the Defendant ſays, that there was no *See* p. 232.
"Letter written from His Majeſty to him, to hinder the meeting of
"that Convention, nor does he know who are meant by his Complices
"or Cabal, as they are afterwards called, except thoſe Lords whom His
"Majeſty joyned with the Defendant in the Inſtructions he ſent them.
"The firſt Article of theſe being that they ſhould do all was poſſible for *See* p. 219.
"avoiding Diviſions among His Majeſties Subjects, and a Latitude be-
"ing left for them to do what might be moſt for His Majeſties Service *See* p. 245.
"on their perils, and as they ſhould be anſwerable, they were to conſi-

An. 1643. "der what was moſt to His Majeſties Service. It is true, His Majeſty
"did direct a Letter to the Council to forbid the meeting of the
See p. 230. "Convention, but did remit it to the conſideration of the Lords
"whom he had truſted, whether it were fitter to deliver or conceal it,
"upon which they were obliged to conſider what was beſt to be done;
"nor was it fit for them to divulge that Letter, till it was conſidered
"whether it ſhould be made uſe of or not. But the Lords that had His
"Majeſties Truſt did call ſome meetings of all who were judged beſt-
"affected, to conſider what Advices were to be offered to His Majeſty;
See p. 226. "and they all did return their joynt-Advices, with the reaſons that pre-
"vailed with them, to His Majeſty, wherein the Defendant was but one
"of ſeven, and ſo is not to be charged nor anſwerable for the Advice
"ſo given; ſince they only offered Advertiſements to the King, with
"their Advices and the reaſons that prevailed with them; and as His
"Majeſty (who could only judge what Advices were beſt) gave Orders,
"ſo they did Act: if the Advertiſements ſent were falſe, or their Ad-
"vices againſt Law, they are accountable for them; but are not bound
"to anſwer for the good ſucceſs of every thing they adviſed, that being
"in the hands of God: and neither the Defendant, nor any other joyned
"with him in Truſt, did adviſe His Majeſty to authorize the Convention,
"but only to allow them liberty to ſit, ſo they kept within the prefixed
"Limits. And there was good reaſon for offering ſuch Advice, His Ma-
"jeſties Affairs not being in ſo promiſing a condition that it was fit for
"them to begin the Rupture; and it was certain that theſe who called
"the Convention without His Order, would have acted in it notwith-
"ſtanding His Prohibition, which muſt have either affronted His Au-
"thority, or precipitated a Breach, which could not have been done at
"that time without the Ruin of the King's Affairs in that Kingdom.
"The Defendant did at that time deſire the Earl of *Calander*, that he
"would uſe his Endeavours with ſome of theſe who pretended zeal for
"the King's Service, and are now the Defendant's Accuſers, that they
"would lay aſide all private Animoſities and concur in His Majeſties
"Service, and offer their Opinions with the Method in which they de-
"ſired things might be carried on, and the Defendant offered them all
"poſſible ſatisfaction in every thing, for which they ſtood at a diſtance
"from him: but that Earl brought Anſwers very far different from what
"they pretend they ſent, and all wiſe men looked on their Propoſitions
"as ſo extravagant and unpromiſing, that none could think them fit to
"be followed. But the Defendant denies there were any ſuch Engage-
See p. 224. "ments paſſed as in the Article is falſly alledged, yet when the Con-
"vention ſat the Defendant did often and no way ambiguouſly, but
"very plainly, declare he did not own their Authority, nor would give
"obedience to any of their Acts that were beyond the Bounds prefixed
"in His Majeſties Letter: upon which he withdrew with divers of his
"Friends, and did adviſe and prevail on many to follow his Example.
"It is true, ſome came and asked his Advice, of whoſe Fidelity he had
"no reaſon to be aſſured, judging not without grounds that they came
"to him on deſign to trepan him; and therefore he told them, that for
"his own part he was reſolved not to acknowledg their Authority, nor
"give obedience to their Commands, by which they might eaſily judge
"what he would adviſe, ſeeing his Practice. It is alſo falſe, that the
"Defendant procured from His Majeſty an allowance to that Conven-

"tion

"tion, ſince the Letter His Majeſty wrote was ſo far from allowing it, *An.* 1643
"that it particularly challenged the Illegality and Nullity of that Meet-
"ing; and the Convention was ſo far from thinking themſelves Authori- *See* p. 232.
"ſed by it, that they refuſed to ſtand to it, or ſo much as to put it on
"Record. It is alſo falſe that any ſuch Offers, as are vainly and without
"truth ſaid to have been made to Mr. *Murray*, were ever brought by him
"to the Defendant, or others intruſted with him: he was indeed im-
"ployed to deal with them to overcome their untoward Jealouſies and
"ambitious Vanity, but with no ſucceſs, as he reported, and is ready to
"make good; but they venting their implacable Hatred and ill-ground-
"ed Jealouſies of His Majeſties faithful Servants, left the Kingdom in the
"Summer, and poſſeſſed many with ſuch Prejudices, that they infinitely
"retarded His Majeſties Service, and divided the ſmall Party that adhe-
"red to him: yet His Majeſty ſuſtained no Prejudice from *Scotland* all that
"year, which was the uttermoſt that ever the Defendant gave His Maje-
"ſty any hope of. But it is moſt baſely falſe, that the Defendant did
"bring the Convention of Eſtates to the wiſhed period, ſince he did all
"that was in his power to hinder its Sitting, and to get it broken up aſſoon
"as it ſat down. It is alſo falſe that the Defendant was on the deſign of
"raiſing the Army in *Scotland*, which he oppoſed by all the probable and
"honeſt ways were in his power, and was ever ready upon the leaſt ap-
"pearances or hopes of Succeſs, to have hazarded his Life and Fortune to
"hinder it: and therefore ſent frequently to *England* for thoſe Supplies,
"without which their Attempt could ſignifie nothing, but the expoſing
"the Kings Party in *Scotland* to the ſcorn and malice of their Enemies.
"But the neceſſity of His Majeſties Affairs in *England* did ſo retard the
"Anſwers, that opportunities were loſt, and the other Party had prevail-
"ed over all, which forced the Defendant to fly out of that Kingdom,
"Order being given for ſeizing on his Eſtate, and taking and impriſoning
"his Perſon; and yet Affairs there are not quite deſperate, but the De-
"fendant had many very probable Propoſitions to have offered to His
"Majeſty, the Maintaining of whoſe Proſperity and Authority hath been
"the conſtant deſign of his whole Life.

Charge.

That he hath endeavoured to ſet on foot a Title to the Crown of Scotland, Article 8.
having Treated with Forreign Princes touching his Claim thereunto, and deſired their Aid and Aſſiſtance to his Right, protecting and maintaining ſuch as wrote Treatiſes in his behalf, and Claim to the Crown.

Beſides all which particulars of his treacherous ſowing of Sedition 'twixt His Majeſty and His Subjects, his undervaluing and reviling his own Sacred Perſon, his fomenting all the unhappy Differences betwixt King and People, his exciting of each againſt the other, his pouring of oyl into the fire betwixt them both, his direct Attempts upon the Crown, and intentions to Uſurp, his late Carriage doth give too evident a Character of his invincible Diſloyalty; as particularly his treacherous Carriage, before, in the time, and at the late Convention, his juggling in the buſineſs of the Counter-petition, and that of the late pretended Bond, which are ſo notorious Truths, and ſo evidently to be inſtructed by all His Majeſties good Subjects, but more particularly by thoſe with whom by His Majeſties ſpecial Command he kept a ſeeming Correſpondence. Beſides divers other circumſtances, whereby it may be clearly demonſtrated, that he is of the Party with them that have rai-

An. 1643. *ſed this Rebellion in* Scotland, *namely, that in the Inſtructions given by that Faction to the Earl of* Lowthian *in his late* French *Negotiation, one of the particulars earneſtly recommended to him, was to deſire of the Crown of* France *Reſtitution of the Dutchy of* Chaſtleherault *to him, which in all probability they would never have done in his favour, if they had taken him for an Enemy to their deſigns and purpoſes.*

Laſt of all it is craved, that in reſpect of his unexpected Arrival here, there may be liberty to add and amplifie this Charge as occaſion ſhall offer.

One particular omitted above, is not amiſs to be here inſerted, at what time the buſineſs of the Scotiſh *Covenant was at the greateſt height, a diſtreſſed Gentleman of* Scotland, *Sir* John Ferguſon, *deſired the Loan of ſome Money from Sir* John Hamilton *of* Broomhill, *(whoſe Relation and Intereſt every way to the Duke are known to every one who knows them both:) who anſwered him in flat terms, he would neither give nor lend him a penny, except he and his Sons would bind themſelves to go home and ſign the Covenant, upon which Condition he offered to lend him what he ſought.*

We do engage from our faithful reſpects to His Majeſties Service, without any conſideration or intereſt elſe whatſoever, to make good this Charge, ſome of the weightieſt points by ſeveral Witneſſes, and all the reſt by ſome and ſtrong Probabilities.

Anſwer.

The Anſwer to the eighth Article.

"To the eighth Article the Defendant ſays, here lies the Maſter-piece "of his Enemies Malice and Calumny, to charge him with a point trea- "ſonable in the higheſt degree, without offering one circumſtance to make "the Truth of it appear probable: and ſuch publick things as the ſetting "on foot a pretence to the Crown, the Treating with Forreign Princes "touching his Claim to it, the Authoriſing and Protecting of any who "wrote in defence of his Title, muſt have been notour and known things, "and yet no particular is here named; which clearly ſhews the Forgery of "the whole, on deſign to beget in His Majeſty Jealouſies of the Defendant, "who knows of no ſuch Title to the Crown, but acknowledges His Ma- "jeſtie's and His Poſteritie's, (whom he prays God to preſerve) their un- "doubted Right to the Crown. And as the Defendant acknowledgeth "the great Honour of his Relation to the Royal Blood, ſo there is no "more reaſon to Charge him on that account than to Charge any others "who are more nearly related to His Majeſty, as are all the Noble branches "of the Prince Elector *Palatin*'s Family. But as the Honour of that near- "neſs of Blood had no other effect on the Defendant's Progenitors, but "to quicken them to ſerve His Majeſties Anceſtors with the more zeal, "which appeared moſt ſignally in the Reigns of Q. *Mary* and K. *James* "His Minority; ſo the Defendant hath in that always traced their ſteps in "the ſame faithful zealous Loyalty; nor can ſo much as a colour for any "of the impudent Forgeries in this Article be made out. The Defen- "dant never heard till he ſaw it in his Charge, that any did ever write "for his Title, nor does he believe it a whit the more for that: but if "any ſuch thing be, let the Authors of ſuch treaſonable Books be pu- "niſhed, according to the merit of ſo high an Offence; ſure he is, he "ſhall neither protect, nor encourage them. But he does not doubt "this is a Forgery as all the reſt are. The other particulars are an Invi- "dious needleſs repetition of what hath been before falſly alledged in the "Charge,

"Charge, and ſo is already anſwered. The particular of the Earl of *An.* 1643.
"*Lowthian*'s Inſtructions can be no Preſumption, much leſs Proof againſt
"the Defendant, ſince theſe Inſtructions were ſigned long before there
"was a Breach betwixt His Majeſty and that Kingdom: they were alſo
"brought to His Majeſty, who ſigned them, and not only by His
"written Inſtructions did appoint the Earl of *Lowthian* to endeavour
"the Reſtoring of the Defendant to his Right in *France*, but did alſo
"recommend it verbally to *Lowthian* very earneſtly. For the Diſcour-
"ſes that paſſed betwixt Sir *John Hamilton* and Sir *John Ferguſon*, the De-
"fendant knows nothing of them, nor is he accountable for what o-
"thers, whatever their Dependance on him be, have ſpoken; he knows
"not whether Sir *John Ferguſon* ever took the Covenant or not, but
"this he knows well, that he did recommend him to His Majeſty, as one
"that ſuffered much for adhering to his Duty to His Majeſty, and did
"procure ſeveral Marks of His Majeſties Favour for him.

"And thus the Defendant hath plainly, and in as ſhort terms as was
"poſſible, and with all the Moderation ſuch things can allow of, an-
"ſwered all the particulars Charged upon him; wherein he doubts not
"but it does appear, eſpecially to His Majeſty, (who knows well how
"he is able to make out moſt of his Anſwers from His own Royal Com-
"mands, Warrants and Inſtructions) with how much Falſhood and
"Malice he is accuſed, ſo that little credit will be given to the im-
"pudent, baſe, groundleſs, and improbable Forgeries, deviſed to ru-
"in the Defendant; who, as he is ready quickly to adduce the main
"and moſt ſubſtantial points of his Evidence, ſo he begs, as an Act
"both of Juſtice and Goodneſs, that his Accuſers have a competent
"time prefixed them for the bringing in and finiſhing their Evidence,
"that if the Defendant be found Guilty, he may receive condign Pu-
"niſhment, and if Innocent, that he be exonered of this Charge,
"and liberated of this Diſgrace, and ſuffered to accuſe his Accuſers for
"the Falſhoods, Lies, and Calumnies, with which they have ſtudied to
"abuſe His Majeſty.

The Duke having got the Charge, deſired Mr. *Murray* would earneſtly move the King that it might be put to a ſpeedy Examination, and that his Accuſers might be ordered to go about it aſſoon as might be: they excuſed themſelves, ſaying, it was impoſſible while the Commotions laſted, to get their Evidences brought. The Duke hearing of this, ſaid it was the ſaddeſt thing imaginable to keep him under ſuch high Imputations to ſo long and indeterminate a Term: for though no man wiſhed a ſpeedy end to thoſe Troubles more than himſelf, yet there were ſad grounds to fear they ſhould prove too laſting; and it was hard to keep him under ſo deep a Diſgrace, and ſuch cruel Aſperſions, to that uncertainty. Much was alſo alledged from the Laws of *England*, and Priviledges of the Peers, againſt this Procedure. His Enemies fearing theſe Reaſons might at length be heard, procured an Order in the beginning of *January*, for ſending him, firſt to *Exeter*, on his way to *Pendennis*, a Caſtle upon *Falmouth* in *Cornwall*, to be kept Priſoner till his Trial were ready to be gone about.

Lanerick being alſo Priſoner, does all he can for their Vindication,

Lanerick was as active as he could both for his Brother and himſelf. The particulars he was charged with did not amount ſo high,

and

An. 1643. and were chiefly his Concurrence with his Brother: for the Affection and Confidence betwixt them was ſo entire, that all judged the one could not be Innocent if the other was Guilty. The two *Engliſh* Secretaries were appointed to examin him, but he anſwered them only in ſome General things, and told them, that for thoſe particulars of his late Truſt, divers other *Scotiſh* Lords were concerned in them, and it was not an *Engliſh* buſineſs; and therefore he deſired Liberty to give His Majeſty Satisfaction, but refuſed to do it to any other Perſon. And he ſeeing the Party made againſt them was ſo ſtrong, did earneſtly crave Liberty to go beyond Sea, ſince he could not be ſo happy as to ſerve His Majeſty longer in *Britain*: and he engaged his "word of Honour never to meddle any further in *Britiſh* Affairs, but "that aſſoon as he ſhould be called home to undergo his Trial, he "ſhould upon the faith of a Gentleman and Chriſtian return, ſince it was "hard that they ſhould be condemned to the infamy of ſo long a Diſ-"grace without any Trial. But to this he had no return; and it ſeemed "that none of theſe Meſſages were faithfully carried to His Majeſty.

Next he deſired, that ſince he muſt continue Priſoner, at leaſt that ſmall Happineſs might not be denied him of being Priſoner with his Brother; but neither got he any return to this. And the King ſent to him for the Court-Signet, but with this Declaration, that he did not thereby intend to remove him from the Office of Secretary; which yet remains bearing date, *Oxford* the 16th of *January*, 1644. Signed *George Digby*, *Edward Nicholas*. He got alſo advertiſement ſent him, that next day he was to be ſent to *Ludlow*-Caſtle in *Wales*.

and makes his Eſcape.

When the Earl of *Lanerick* ſaw that the malice and power of their Enemies was ſo great, that they were not like to obtain a Trial for clearing their Innocence, and diſcovering the Forgeries of their Accuſers; and fearing a long and cruel Impriſonment, (ſome ſurmiſes being alſo brought him of greater Severities) he made his Eſcape out of *Oxford*. The particular way whereof is not needful to be inſerted. Only the malice of his Enemies appeared more ſignally upon the knowledg of his Eſcape, who came and moved, that his Page (*Robert Kennedy*) who had been imployed in making it, and ſtayed behind him at his Lodgings, ſhould be hanged out at his Window. But the King told them, it was very unjuſt and unreaſonable to puniſh a Servant for his Fidelity to his Maſter, and commanded him to be ſet at Liberty. The Earl of *Lanerick* went to *London*, and from that returned to *Scotland*, where it clearly appeared, that neither the Malice of his Enemies, nor the hard meaſure he had met with at *Oxford*, could overcome his Love and Duty to the King: for though he was forced to comply in many things with the Publick Counſels, yet he begun very ſoon to draw a Party, that continued to croſs the more violent and fierce Motions of *Argyle* and his followers. But here the Writer is forced to ſtop, Papers failing him for proſecuting this Narration.

The Duke was upon his Brother's Eſcape uſed with much ſtrictneſs, his Servants were put from him, his Money taken away; he was denied all freedom, and the uſe of Pen and Paper was refuſed him, except to write Petitions to the King: yea in the Room where he ſtay'd he met with diſ-

accom-

accommodations, which are not fit to be named. Aſſoon as His Maje- *An.* 1643.
ſty knew of this, which was as long delayed as his Enemies could, that Strictneſs was changed, but ſtill he continued to be a cloſe Priſoner. And though he always petitioned for a ſpeedy Tryal, yet he was put off: but for all that ſeverity of Uſage, his Majeſties Affection continued to be very great for him, and he ſent him many kind Meſſages. One was carried by Sir *Alex. Frazer*, (which he avouched to the Writer) who told him that His Majeſty had an entire Confidence in him, and was reſolved to releaſe him very ſpeedily: how his Majeſty was diverted from that, the Writer does not know.

But to give the Narration of the Duke's Exerciſes during his long and tedious Impriſonment, is a Task which no Pen but his own could have performed: for that great Mind which had formerly dilated it ſelf in gallant Deſigns and Actions, being reſtricted to retired Contemplations, ſpent it ſelf in thoughts worthy of their Author. Here it was that he inſtead of a Priſon, begun to ſee a paſſage into Liberty and true Freedom: and thoſe better thoughts, which a crowd of Affairs and the intanglements of Intereſts had barred free acceſs into his Mind, meeting now with none of that reſiſtance, but quickened from his preſent Misfortune, wrought a great Change on him. And here did the vanity of the World, and the folly of human Greatneſs, with all that is ſplendid on this ſide of Immortality, diſcover it ſelf free from that falſe Varniſh, that had formerly wrought too much upon human Infirmity, which raiſed in him a juſt undervaluing and loathing of thoſe bewitching, but deceiving Charms: and he meeting with Reproach and Slander on every ſide, betook himſelf to the Rock of Ages, as to his ſtrong Refuge. He was much pained with frequent returns of the *Stone*, which was fed by the lazy reſt of his Priſon: yet his Converſe was ſo agreeable, that it took exceedingly with all his Guards and Keepers, which being apprehended by his Enemies, the place but not the nature of his Reſtraint was changed. And in one of the places of his Impriſonment, a Perſon of Honour who was Governour of the place, was ſo much wrought on by the Nobleneſs of his Deportment, that as from the firſt time he was committed to his keeping, he uſed him handſomly and with great Civilities, notwithſtanding ſtrict Orders he had to the contrary; ſo he afterwards offered to let him make his Eſcape, which the Duke generouſly refuſed, both becauſe he would not do any thing which might turn to the prejudice of the Governour, but chiefly becauſe he would not fly from his Majeſties Juſtice, nor ſtain his Innocence by an Eſcape. This Story was avouched to the Writer, by the Perſon himſelf that made the Offer to the Duke.

Some who pretended Friendſhip to him at Court, wrote to him, that the only way to clear himſelf of all Imputations, was to get his Friends in *Scotland* to concur vigorouſly in the King's Service, which was then managed with great ſucceſs by my Lord *Montroſe*: but he anſwered them, that ſince he was charged with ſuch heavy Imputations, he did not think it decent to meddle in any thing, till he were once Legally cleared of theſe: neither could it be imagined, that his Letters would ſignifie much in *Scotland* under that Diſgrace, ſince his Preſence, when under high Characters of His Majeſties Favour, could prevail ſo little. And indeed he had ſmall grounds to expect much from *Scotland*, ſince thoſe who governed there had never expreſſed any reſentments of his

An. 1643. his Uſage, beyond one Act they paſſed, Declaring it contrary to the Priviledges of the Peers. And from ſome of his Friends in *Scotland* he got Letters, upbraiding him for his Services to the King, telling him, that had he been as faithful in ſerving the King of Kings, he had been better rewarded, and that he was well-ſerved for preferring the one to the other. But his Impriſonment continued both this year 1644, and the next year, and laſted till the end of *April* 1646; that ſome of the Parliaments Forces brought the Caſtle of St. *Michaels Mount* in *Cornwall*, where he was then Priſoner, to a Surrender, by which means he had his Freedom.

M E-

MEMOIRES

OF THE

LIFE and ACTIONS

OF

James Duke of Hamilton, &c.

LIB. V.

Of the Duke and his Brother's Imployments after his Enlargement, till the Year 1648.

Anno 1646.

HItherto the Tract of my Narration hath been troublesom and painful, but the further I engage in it, the Storms grow upon me: for now we enter upon Transactions so full of horrour, that my Heart and Pen begin to fail me; for who can without pain, and a force put upon himself, recount those dismal Passages that are before me? For now a Rebellious Party, having laid aside their former Disguises, did finish all their Designs in His Majesties Murther, and the Slavery of the Nations: and in so great a Ruine it was not fit the Duke should escape safe, it being more suitable that he, that had shared in his Masters good Fortune, and had also served him faithfully during his Troubles, should likewise follow him in his Sufferings.

The Duke resolves on a retired Life, the Kings Affairs being desperate.

But the Dukes thoughts were fully bent on a Retreat from the World into some retired corner, where he might languish out the rest of his unfortunate Life, for by this time the Kings affairs were quite ruined. And as he was uncapable of concurring with his Enemies, so both his late Usage, and the desperate posture to which things were now driven, made him resolve to engage no further; And his Quality was such, that he could not lye neutral, when both Parties were in so high a Rivalry one against another. Yet he could not temper himself, so great was his Affection to the King, from studying to do him the

An. 1646. beſt Services and Offices he could, both with the *Scotiſh* Commiſſioners at *London*, and his Friends in the Houſe of Peers, to engage them to Treat with the King on eaſie Terms.

The King goes to the *Scotiſh* Army.

On the ſixth of *May*, His Majeſty ſeeing Affairs brought to a deſperate paſs, reſolved to throw himſelf into the hands of his *Scotiſh* Subjects, that he might make trial of all thoſe large profeſſions of Affection and Duty they had alwayes made. This Deſign was communicated to the Earl of *Lauderdale* then at *London*, but he, as he informed the Writer, ſtudied to diſſwade His Majeſty from it; aſſuring him that he knew the Army, and the Church-party which then prevailed in *Scotland*, would not be firm to him, unleſs he yielded to their Demands about Religion: but notwithſtanding that, upon ſome ſlender Aſſurances got from *Monſ. de Montrevil*, Agent from the *French* King, His Majeſty went to the *Scotiſh* Army, (the particulars whereof, and of the ſubſequent as well as fore-going Publick Affairs, not being the chief buſineſs of theſe *Memoires*, little more is any-where toucht of them, than what is neceſſary for making out the thread of the Dukes Concerns, ſo as it may ſet them in their true light.)

The Commiſſioners are ſent to him from *Scotland*,

Aſſoon as this was known at *Edinburgh*, the Committee of Eſtates, which was then ſitting, ſent the Earl of *Lanerick* and ſome others to wait on His Majeſty, with great expreſſions of their Duty and good Intentions, proteſting, how dear the Preſervation of His Sacred Perſon, and His Juſt Power and Greatneſs, ſhould ever be to them; wherefore they expected His Majeſty would give full ſatisfaction to the Juſt Deſires of His Subjects; and as a preparation to this, that He would recall any Commiſſions He had given againſt the Kingdom of *Scotland*. But theſe Commiſſioners were ordered to do nothing that might raiſe Jealouſies betwixt the Kingdoms, and therefore were to Treat joyntly with ſuch Commiſſioners as ſhould be ſent from the Two Houſes. And as they of *Scotland* ſent their Commiſſioners with theſe Inſtructions yet extant, ſo they emitted a Proclamation, forbidding any to go out of the Kingdom without Publick Permiſſion; which was done to hinder thoſe of the Kings Party from coming to him.

What Reception my Lord *Lanerick* had from His Majeſty doth not appear to me, but I find he was very quickly as well ſeated in the King's Affection and Confidence as ever. On the 13th of *May*, the *Scotiſh* Commiſſioners preſented their firſt Paper, which went not beyond general things, containing a Welcome, with an offer of their Service according to the Covenant. But in their next Paper they preſſed the King to ſend a Meſſage to his Two Houſes for a Happy Peace, not being ſatisfied with that Letter he had formerly written to the Speaker of the Houſe of Peers; ſince no grounds were laid down for a Pacification, a Treaty being only in general terms deſired. Of all theſe Papers that paſſed the Originals do yet remain.

who preſs the King to ſettle matters.

The King complains of the ill uſage he met with.

Next day the King called both for the chief Officers of the Army, and the Commiſſioners ſent to him out of *Scotland*, and in preſence of *Monſ. de Montrevil*, did expoſtulate, That whereas He had come to their Army upon the Aſſurances *Monſ. de Montrevil* had given him, that He ſhould be ſafe in His Perſon, Honour, and Conſcience, the two laſt were not kept; for he was preſſed to ſettle Religion as they deſired, wherewith his Conſcience was not ſatisfied: next, His Subjects had not free acceſs to Him, but Proclamations were iſſued out, forbid-

ding

ding them to come to Him; neither was the Ceremony due to Him as King, ſuffered to be paid Him at His entry to *Newcaſtle*: and laſtly, His Servants were not ſuffered to wait on Him. And His Majeſty atteſted *Montrevil*, if thoſe conditions were not made to Him, who confidently affirmed it in all their preſence, and that he had the authentick Aſſurances in *French*. The Commiſſioners retired to think of an anſwer; but when they returned, they deſired His Majeſty would put *Montrevil* to it, to declare what thoſe Aſſurances were, and who gave them: but this was not done. Next they ſaid, they would not Treat with the King in his Preſence, nor admit of the interpoſition of any Foreign Agents betwixt them and their Native Prince. And the Commiſſioners of the Army reſolved that no ſuſpected Perſon ſhould be ſuffered to wait on the King, with which His Majeſty was highly diſpleaſed, and for ſome days would not eat in publick, but only in his Chamber. *An.* 1646.

But becauſe there were many in the Army who would have engaged cordially for the King on any terms, to leſſen the apprehenſion of this, they got a Petition to be ſigned by almoſt all the Conſiderable Officers of the Army (yet extant) that His Majeſty would ſettle Religion according to the Covenant, and that He would enter into it Himſelf, and authorize it by His Command.

On the 18th of *May* His Majeſty wrote another Letter to the Two Houſes, deſiring them to ſend Propoſitions for Peace, and in order to that, He again offered to put the *Militia* into their hands for 7 years, as had been offered at *Uxbridge*. He demanded alſo a Safe-conduct for ſending Orders to ſtop all further Proceedings in *Ireland*, ſince He was reſolved to leave the management of that War wholly to the Two Houſes. He ſhewed His Letter to the *Scotiſh* Commiſſioners; but becauſe it contained no Offer about Religion, they were not ſatisfied with it; yet it was ſent. The next thing the Commiſſioners from *Scotland* moved, was, that His Majeſty would recall the Commiſſions He had given out againſt the *Scotiſh* Nation; for the clearing whereof, ſomewhat muſt be reſumed, that paſſed in thoſe years which I have run over ſo haſtily. The King moves for a Treaty.

In the beginning of the year 1644. the King gave a Commiſſion to the Marquis of *Montroſe*, to ſee what could be done in *Scotland* by Force, for diverting the Army that was then entring into *England*. He had great hopes of making a ſtrong Party in *Scotland*, and doubted not but he ſhould be able, with the Aſſiſtance *Antrim* undertook to ſend him out of *Ireland*, to give the *Scotiſh Army* work enough at home: but his hopes failed him, for all were ſo over-awed by the Power of the Covenanters, that none would ſtir till about the end of the year. Some came out of *Ireland*, but far ſhort of the number that was promiſed: and with theſe, and a few of the *Scotiſh* Nation, he adventured to diſturb the Covenanters, the particular Narration of whoſe Enterprizes is not to be here proſecuted. This was judged by all a bold and deſperate Attempt, for as his Force was ſmall, ſo they wanted Arms and every thing neceſſary. Some of the Wiſeſt of the Covenanters adviſed them not to engage with him in any Action, except on terms full of advantage, but to follow him up and down whither he went, ſecuring the Country from Spoil and Plunder; for they judged that his Men, being ſo unprovided as they underſtood they were, would not A ſhort Account of *Montroſe*'s Affairs.

An. 1646. hold out long in the Hills, but be forced either to lay down their Arms, or break out in Mutinies among themſelves, whereby they ſhould have been ſtarved with ſmall Trouble, except the loſs of ſome Time which this lingring Courſe would have coſt: whereas if they fought with them, it was to be feared, that the *Iriſh*, with ſome *Scotiſh High-landers*, and other Gentlemen that joyned with *Montroſe*, being deſperate, would be too hard for ſuch raw Souldiers as would be drawn together to oppoſe them; for the Covenanters reſolved not to bring any of their Forces out of *England* or *Ireland*, till they were forced to it by neceſſity. Beſides, the Plague at that time had broken in upon *Scotland*, and ſwept away many thouſands, which filled all Places with ſo much fear and horrour, that the hearts and hands of all did fail them; and ſo a faint Reſiſtance was to be expected in ſuch a general Conſternation.

But the more forward did not reliſh theſe Advices, and many Church-men being full of hopes of Succeſs, and the opinion of Gods Favour to their Way, were for engaging into preſent Action. This Advice was plauſible; for they hoped for a ſpeedy iſſue of it, whereas Delays drew a vaſt expence on the Nation. This their errour coſt them dear, and opened a way for a great deal of Honour to *Montroſe*, who managed his ſmall Force with as much Conduct as Succeſs, and carried all down before him with a torrent of Victories; till at length, after his laſt Victory at *Kilſyth*, the *High-landers* loaded with Prey, would needs go home to their Lurking-holes, which he could not reſiſt, his Authority over them being but precarious. And inſtead of retiring with them into the Hills, he came down into the South-Country, with the little handful that adhered to him, in hopes that many ſhould have flockt about his Victorious Standard: but he was generally hated by the Vulgar, ſo powerfully had the Excommunications and Thunders of the Church wrought upon them. Beſides, many Outrages had been committed by his *Iriſh* and *High-land* Souldiers, which had been indeed reſiſted by him as much as was poſſible; but having no Pay to give them, he durſt not exerciſe that ſeverity of Martial Diſcipline, which had been otherwiſe neceſſary. Yet all was imputed to his Orders by his Enemies, which made him very odious to the generality of thoſe who knew him not: and hence it was, that wiſe men did not hope for a good account of the Kings Affairs from this Deſign; therefore he was not aſſiſted with ſuch Forces, as he had promiſed himſelf from the Kings Friends in the South-Countrey. But he was become too ſecure of Victory, and began to apprehend, the Fame of his former Conqueſts was able to ſcatter any Force could be brought againſt him; therefore notwithſtanding ſome Advertiſements he had of Lieutenant General *Leſley*'s coming down with a good Body of Horſe, from the *Scotiſh* Army in *England*, he ſtill remained in the low Countrey, till he was ſurprized and routed of a ſudden. Then he went again to the Hills, but there he ſaw how groundleſs it was to expect any real Aid from thoſe wild and diſorderly People: he traverſed to and again through the Hills, ſparing neither Labour, Induſtry, nor Art, to draw together new Forces; but was never able to effectuat it, a ſmall Body of a few hundreds being all the Strength he could ever make; only he was in hopes of great matters. And thus it continued till this time, that the *Scotiſh* Commiſſioners moved the King for recalling his Commiſſion.

His

His Majeſty was willing to grant this, only he deſired, he might have liberty to ſend for him with a Safe-conduct, and that he might be ſuffered to kiſs his Hand, after which he ſhould go beyond Sea, never again to return without their Conſent. But to this they would not hearken, wherefore His Majeſty being conſtrained to yield to all their Demands, did by Proclamation call in his Commiſſion, and ſent a Gentleman with Orders to him, and ſuch as were with him, to lay down their Arms immediately. *An.* 1646. His Majeſty call in his Commiſſions to *Montroſe*.

To this *Montroſe* anſwered by a Diſpatch, (yet extant dated the ſecond of *June*) that as he had propoſed nothing to himſelf in all he had done but His Majeſties Service; ſo he was not now to diſpute his Obedience to His Commands. Only he deſired, that Security might be granted, for thoſe Gentlemen who had hazarded their Lives for the Kings Service, that they might not be laid open to the Fury of their Enemies, but might live at quiet in their own Houſes; and as for ſuch as were counted unpardonable, he deſired they might have Paſſes to go beyond Seas: and at this it ſtuck for ſome time.

When this was done His Majeſty began to be importuned from all hands, to ſettle Religion according to the Covenant, Addreſſes being made to him for that effect, both from the Army, the Commiſſioners ſent from *Scotland*, the Committee of Eſtates in *Scotland*, and the Commiſſioners from the General Aſſembly. But to all thoſe the King anſwered, *That when he was ſatisfied in Conſcience with the lawfulneſs of what they deſired, then, but never till then, could he grant their Demands, wherefore he ſaid he was willing to enter in Conference with any they ſhould appoint; Proteſting that if he got ſatisfaction to his Conſcience in thoſe two Points, the one being, that he judged Epiſcopacy of Divine Appointment; and the other, that by his Coronation-Oath in* England, *he was tied to the Defence of the Church as it was then eſtabliſhed, he ſhould not be aſhamed to change his Judgement, and alter his Reſolutions.* Whereupon Mr. *Henderſon* was pitched upon as the man of greateſt Abilities and Diſcretion for that task, and during the Month of *June*, Papers paſſed to and again betwixt the King and him; of which they being ſo often publiſhed I ſhall ſay no more, but that from theſe it appears, had His Majeſties Armes been as ſtrong as his Reaſon was, he had been every way unconquerable, ſince none have the diſ-ingenuity to deny the great advantages His Majeſty had in all theſe Writings. And this was when the help of his Chaplains could not be ſuſpected, they being ſo far from him. And it is indeed ſtrange to ſee a Prince not only able to hold up with, but ſo far to outrun ſo great a Theologue, in a Controverſie which had exerciſed his thoughts and ſtudies for ſo many years. And that the King drew with his own Hand all his Papers, without the help of any, is averred by the Perſon who alone was privy to the interchanging of them, that worthy and accompliſhed Gentleman Sir *Robert Murray*, who at that time was known to His Majeſty; and he diſcovering in him, thoſe great parts and excellent qualities, that recommended him to the love and eſteem of all vertuous perſons that knew him, honoured him with a great deal of Freedom: and it was believed few were more in the Kings Favour than he was; him therefore did His Majeſty imploy in that exchange of Papers, being all written with his own Hand, and in much leſs time than Mr. *Henderſon* did his. They were given by His Majeſty to Sir *Robert Murray* to tranſcribe: the Copies under Sir *Robert Mur-* The King is much preſſed to take the Covenant.

ray's

An. 1646. *ray's* hand, were by him delivered to Mr. *Henderſon*; and Mr. *Henderſon's* hand not being ſo legible as his, he by the Kings Appointment, tranſcribed them for His Majeſty, and by His Majeſties permiſſion kept Mr. *Henderſon's* Papers, and the Copies of the Kings, as was ſignified to the Writer by himſelf, a few days before His much-lamented Death.

They conſult at *Weſtminſter* about Propoſitions to be made to the King.

All this while they were conſulting at *Weſtminſter*, about the Propoſitions to be ſent to His Majeſty, for now the *Independent* Party begun to prevail; and as they were certainly the ſtrongeſt in the *Engliſh* Army, ſo they had a great Party in the Houſe of Commons. Their Deſign was to perpetuate a Military Power in their own hands, and to ſet up a Toleration of all Sects; and ſo the Propoſitions at *Uxbridge* were much altered.

The *Scotiſh* Commiſſioners are for making them eaſie to the King.

The *Scotiſh* Commiſſioners, in the Papers they gave in concerning the Propoſitions, firſt complained, *That the Settling of Religion was conceived in general Terms, and that no particulars about Uniformity of Religion were laid down*; next, *they oppoſed much the Propoſitions about the* Militia, *deſiring that no new ones, differing from what had been offered at* Uxbridge *might be made, that ſo it might appear they were not taking advantages from the Straits His Majeſty was in, to diminiſh His Juſt Power and Greatneſs, to which they were bound both by Covenant and Treaties, and which had been often repeated in all their Declarations:* adding, *that they could not conſent to any Propoſition, that ſhould take from their Soveraign, the Power of Protecting and Defending His Subjects, which neceſſarily followed, were the* Militia *put into the hands of the Parliament*; *wherefore they preſſed, that the* Militia *might not be ſettled in the hands of the Parliament, but of the King and Parliament jointly, and ſo conſigned to ſuch Commiſſioners of both Kingdoms, as ſhould be choſen by the King and them together.*

Many Papers paſt betwixt them and the Two Houſes.

This they backed with a Paper, containing the Extracts and Citations, of the former Declarations and Papers emitted by Both Houſes, to the ſame purpoſe, both about Uniformity of Religion, and the Maintaining the Kings Authority, even in the matter of the *Militia*; which was a long and ſmart Paper. They alſo in another Paper, appealed to all the Treaties that had been betwixt the Kingdoms ſince the beginning of that War, wherein the Maintenance of the Kings Juſt Power had ſtill been laid down as a ground, on which they were to proceed in order to a Peace. But upon this the *Independent* Party begun to ſay, that the Agreement made with *Scotland*, *An.* 1643. was no Treaty, and that the Parliament was not bound to make good what was agreed to in it. And this drew from the *Scotiſh* Commiſſioners another large Paper, proving *That to be a Treaty*; *wherein they did ſhew, How that the Kingdom of* Scotland *had engaged both in the* Iriſh *and* Engliſh *War, upon the invitation the Two Houſes ſent them, by Commiſſioners impowered with ample Credentials, Signed by the two Speakers, which gave them power to Treat, and conclude both about the* Scotiſh *Army then in* Ireland, *and the Army they invited to come to their Aſſiſtance in* England; *upon which an Agreement was treated, and concluded betwixt the Committee of Eſtates in* Scotland, *and the Commiſſioners from* England, *and Signed by them, and ſo tranſmitted to the Two Houſes, who by frequent Letters to* Scotland, *expreſſed their Ratification of that Agreement: and whereas in ſome of the Articles then Agreed to, there was an Alternative concerning the* Scotiſh *Army then in* Ireland *their Stay there, or their Tranſportation, upon which the* Independents

dents *founded their Allegation that matters were not finally concluded*, they did shew how false that was; *since that Alternative was emitted, in their Agreement then made, to the Determination of the Two Houses, who thereupon declared, by repeated Letters, to what branch of it they agreed.* So they made it appear, *that no obligation could be brought on any State, by any Treaty that was wanting in that.* *An.* 1646.

But at length the Propositions were all agreed on, and the *Scotish* Commissioners, though they opposed that Article of the *Militia*, yet gave way to it, rather than hazard on a Rupture. The Propositions being so oft in Print, need not be at length set down; only the Heads of them follow, taken from the Original that was delivered to the King, which he gave to the Earl of *Lanerick*, and is among his Papers. The Propositions are agreed on.

The Heads of them.

First, The annulling of all Oaths, and Declarations against the Parliaments and Kingdoms, was desired.

The next five Propositions were about establishing the Covenant, the Abolition of Episcopacy and Liturgy, and the Kings taking and authorizing the Covenant.

The next five were against Popery and Papists.

The 12th *was for the observation of the Lords Day, and against Pluralities and Nonresidences, and about Universities.*

13 *That the* Militia *should be in the hands of the Parliament for* 20 *years, who should also have a power to raise Money, and that after those years the Two Houses might raise what Forces they pleased, by their Bills, though His Majesty gave not his assent to them, and that the Rights of the City of* London *should be confirmed.*

14 *That all Honours, and other Writs passed under the great Seal, since it was taken away from* Westminster, *should be annulled.*

15 *That the Treaties betwixt* England *and* Scotland *should be ratified.*

16 *Delinquents were to be excepted from the general Oblivion, and those were put in several* Classes, *and accordingly several Punishments designed against them.*

17 *The late Cessation granted by the King in* Ireland *to be annulled, and the management of that War to be remitted to the Two Houses.*

The 18 *was about the City of* London.

19 *That all Writs, passed under the Parliaments Great Seal, should be in force.*

In *July* the Duke came to *Newcastle*, to wait on His Majesty, and when he first kissed the Kings Hand, His Majesty and he blushed at once: and as the Duke was retiring back, with a little Confusion, into the croud that was in the Room, the King asked, if he was afraid to come near him: upon which he came to the King, and they entred into a large Conversation together, wherein His Majesty expressed the sense he had of his long Sufferings, in terms so full of affection, that he not only brake through all of his Resentments, but set a new edge again upon his old Affection and Duty. He told him, *He ever had judged him Innocent as to the bulk of things, though he confessed there were some particulars he was not so well satisfied with: but that his Restrain was extorted from him, much against his Heart; for he had stood out against all the Importunities of his Enemies, till the very morning he came to* Oxford, *in* The Duke waits on the King, and is well received by him.

An. 1646. *in which moſt of the whole Court came about him, and ſaid they would all deſert him if He yielded not to their Deſires.* The Duke profeſſed *he was fully ſatisfied, that His Majeſty judged him Innocent, and that his Heart was ſtill what it had ever been to His Service; but he ſaw himſelf in no capacity of being further uſeful to His Majeſty, ſince theſe Jealouſies would be ever hanging over his Head, though His Majeſty were free of them. Things were now brought to great extremities, ſo that the ſucceſs of any Service might be laid on him, ſeemed not only doubtful but deſperate. Beſides, he had no reaſon to think, that cloud of Misfortunes which did hitherto hang over all his Actions was yet broken or diſſipated, and therefore he had particular reaſon to apprehend, croſs Events would yet follow his Attempts; but he knew the World would be ſo unjuſt, as to impute them to his Reſentments, and count them not caſual, but deſigned Miſcarriages: wherefore he deſired permiſſion to go abroad into ſome corner of the World, where he might enjoy a private Retirement.*

But the Kings Anſwer to this, was, that he looked on it as a well-couched Reſentment; adding, he did not expect he would now leave him when he needed his Aſſiſtance moſt: and this overcame his Reſolution for that time, therefore he frankly deſired His Majeſty would lay his Commands on him.

The King orders the Duke to do what he could for reſcuing *Montroſe*

And the firſt of them gave occaſion to a very unexampled and ſublime exerciſe of his Vertue, for at this time the King was in great perplexity about *Montroſe* his Affairs; ſince to leave him to the fury of his Enemies, for having ſerved him faithfully, was ſo contrary to his Honour and Conſcience, that the King abhorred the thought of it: on the other hand, he could not preſerve him, for having recalled his Commiſſion, his further Actings were legally Treaſonable; and there was no way remaining to get him out of their hands, ſince the King had no Ships for his Tranſportation: and the fury againſt him was ſo great, that they would hear of no Conditions, unleſs he rendered himſelf to their Diſcretion; wherefore the King propoſed it to the Duke, to do what in him lay to extricate him out of this Strait, for the known enmity that was betwixt the Duke and *Montroſe* would make his Advices in that particular leſs ſuſpected.

An ordinary Vertue would have judged it ſufficient, not to have revenged Injuries, and to have diſpenſed with the remembrance of them; but it muſt be confeſſed to be a high Inſtance of Chriſtianity, to repay Injuries, while the ſmart and ſenſe of them was yet ſo freſh, with ſo great Generoſity. He recommended the care of this to that Noble Gentleman Collonel *Lockhart*, who was in Command under *Middleton*, that led the Forces which were ſent againſt him, and had much power over him being his intimate Friend; and did then begin to ſhew thoſe eminent Qualities which made him afterwards be ſo much eſteemed over *Europe*, and his death be ſo Univerſally lamented. *Middleton* treated with *Montroſe*, and took *Lockhart* with him to the Interview, who told *Montroſe* what Commands were laid on him by the Duke to ſerve him. *Montroſe* ſeeing his danger was willing to Capitulate with *Middleton*, that they ſhould lay down their Armes and retire to their Houſes, thoſe only excepted who were attainted by the Acts of their Pretended Parliament, who ſhould be ſuffered to go beyond Sea within a few days after the Agreement. This being done, the Kirk-Party made great oppoſition to the Ratification of it in the Committee of Eſtates; nor could

it

it have been carried, but by the Intereſt the Duke and his Brother had here, who preſſed it with much zeal. This hath been often owned by *Middleton*, and was avouched to the Writer by Sir *William Lockhart*, who added, That never did the Duke or his Brother lay their Commands on him in more preſſing terms, than in this particular about *Montroſe*'s Preſervation. *An.* 1646.

The King being freed from this troubleſom Intrigue, the next care was, what Anſwer ſhould be given to the Propoſitions for Peace that were every day expected. The Duke preſt him moſt earneſtly, *to yield to them (how unreaſonable ſoever they might ſeem) and particularly in the point of Religion; for without full ſatisfaction in that, nothing would pleaſe the* Scotiſh *Nation, nor the City of* London, *by whom only His Majeſty could now hope to be preſerved: and they would hear of nothing ſhort of the Abolition of Epiſcopacy, and the Kings Taking the Covenant. But were thoſe granted, he found a willingneſs in them, to interpoſe for Moderating the other Propoſitions, particularly thoſe of the* Militia, *and about the Delinquents:* he therefore intreated His Majeſty, *to conſider the Danger He was now in; Foreign Aid was not to be looked for, and he could not apprehend that* Scotland *would engage for him, if the caſe varied nothing by His Conceſſions, ſince they could not heretofore be kept in a Neutrality: would His Majeſty therefore, for a Form of Government, hazard the loſs of his Crowns? or if He was ſo Noble, as to deſpiſe any Prejudice Himſelf might feel, yet he beſought Him to conſider His Royal Poſterity, who by His ſtiffneſs would be ruined, and to have pity on His Dominions, which lay bleeding in that long tract of Civil Wars: And though His Majeſty had not full clearneſs in His Conſcience about it, yet he was ſure, the matter ſeemed of ſmall Importance in it ſelf, though it became very great by the effects it might produce; and he was confident, if it were a ſin, God would never lay it to His charge, ſince His Inducements to it were ſo ſtrong and unavoidable. All this he did not ſay from his own ſenſe of theſe Propoſitions, ſince himſelf thought His Majeſties Conceſſions were ſuch as might give full ſatisfaction; but that he ſaw things were in that ſtate, that nothing without ſatisfaction in the point of Religion could bring them to any Settlement.* This was often repeated to the King, both by him and his Brother, as well in their Letters as Diſcourſes.

The King is earneſtly preſſed to yield to the Propoſitions.

But His Majeſty ſaid, *His Conſcience was dearer to Him than His Crown, and He would willingly run the hazard of all His Crowns below, rather than endanger that above; that hitherto He had received no ſatisfaction to His Conſcience in theſe two Great Points, at which He ſtuck, and till that were done, no Conſideration whatſoever would prevail. The Quiet of His Kingdoms, and the Settlement of His Throne, were indeed to be purchaſed at any rate; yet the Peace of His Conſcience muſt be preferred by Him to all things.* And on theſe grounds did His Majeſty ſtill continue unſhaken, notwithſtanding all hazards.

But the King reſolves to adhere firmly to his Conſcience.

The Propoſitions were brought from the Two Houſes about the middle of *July*, and a ſpeedy anſwer was craved to them. But for an account of His Majeſties Thoughts of them, I cannot give it better, than by ſetting down a written account of them, in a Letter ſent to the Earl of *Lauderdale* at His Majeſties Command, by Sir *Robert Murray*.

The Propoſitions are brought to the King.

THE Duty which I conceive every good Subject owes, to uſe his utmoſt Endeavours (how weak ſoever) for the furtherance of the happy Peace

His Majeſties firſt Thoughts of them.

An. 1646. *of theſe afflicted Kingdoms, hath made me take the boldneſs to talk with the King upon the Propoſitions, to ſee how far he can be induced to yield to them. And although to every particular I cannot promiſe you an exact account, (becauſe there are divers things in them which neither He, nor I underſtand) yet to the main Points I ſhall, and ſuch as I hope may be a good ground-work for happy Concluſions. First then for Religion, I find His Majeſty really Conſcientious, and not ſuperſtitiouſly Scrupulous; wherefore until He be better ſatisfied, the uttermoſt He can be brought to, is, that He will be content that Presbyterial Government be generally eſtabliſhed within this Kingdom by Act of Parliament for three years, provided that He, and all thoſe of His* Opinion, *may freely enjoy their Conſciences, according to the practices in Queen* Elizabeth's *and King* James's *Times. Now how to do this would be too long for a Letter, but as there are Examples, ſo I doubt not to ſhew you more than one way to do it, ſo willing ears may be brought to ſuch a Motion; and I aſſure you, His Majeſty is moſt willing to hearken and ſeek after information, to the end He may be ſatisfied, how with a ſafe Conſcience He may give you full ſatisfaction herein: but this Proviſo that His Majeſty grants, will probably be but temporary.*

For the Militia, *I can neither ſee inclinations in His Majeſty to relinquiſh it, nor can I find Arguments to perſwade him to it: nevertheleſs I perceive ſo great inclinations in Him to ſtrain to the uttermoſt to give His Subjects all juſt Satisfaction, eſpecially in what concerns the ſecuring of their Fears, that He will be content for Ten years the Two Houſes ſhould diſpoſe of the* Militia *by Act of Parliament, in the hands of ſuch, and ſo many perſons as they ſhall name; as likewiſe to change them within the ſaid time, and appoint others in their Places, as they ſhall think fit; but after the expiration of the ſaid Time, to return to the Crown, as Queen* Elizabeth *and King* James *enjoyed it.*

Concerning Delinquents, His Majeſties Opinion is, that a good Act of Oblivion is the beſt way to bind up a Peace, after Inteſtine Troubles, it having been the Wiſdom of other Kingdoms moſt uſually, and with good ſucceſs, to grant general Pardons, with very few or no Exceptions, whereby the numerous Diſcontentments of all ſorts of People (which are the ſeeds and fuel to future Diſorders) might be totally extinguiſhed: and His Majeſty further conceives, that He cannot deſert ſo many gallant Perſons of Condition and Fortune, who have engaged themſelves with Him, only out of a ſenſe of Duty, without a perpetual and irrecoverable Diſhonour.

As for Offices, though His Majeſty judges, that the Diſpoſal of them is a neceſſary Flower of the Crown, yet He is content for this time to accept of the Nomination of them from the Two Houſes, to be enjoyed by theſe perſons quam diu ſe bene geſſerint; *ſo that after Vacancies they return to be diſpoſed of as before.*

I unwillingly mention Ireland, *becauſe His Majeſties Publick Faith being engaged, how dare I ſpeak to Him to violate that, which is, and muſt be all our Security; but even in this will I pawn my Life, He will prove Himſelf a zealous Protector of Proteſtants, and a conſtant Maintainer of Sovereign Power.*

My Concluſion is, that if upon theſe grounds a Conference may be had betwixt His Majeſty and the Two Houſes, I will engage any thing that an Honeſt man can, that theſe Kingdoms will be ſhortly happy in a firm Peace; which if it ſhould fail on our part, for our not hearing of our Soveraign, it would be an unparalelled Misfortune, not without Infamy.

Theſe

These were His Majesties private Thoughts, but His publick Answer inclined more to a Denial; which when it was brought to *Westminster*, was entertained both with Joy and Sorrow, according to the inclinations of the several Parties. The *Independents*, and more of the Army, feared nothing so much as the Kings granting them, for in that case they saw, there could be no colour for keeping up an Army: and in the House of Commons, when Thanks were Voted to the Commissioners that had been with the King for their pains, one Member whispered another in the ear, that they owed more Thanks to the King than any body; and in another corner, an honest Member saying to another, what shall become of us, since the King refuseth these Propositions? the other answered, nay what had become of us if He had granted them? *An.* 1646. The King does not yield to the Propositions.

The *Independent* Party upon this moved, that no more Addresses should be made, and that His Majesties Person should be demanded, and the Army commanded Northward to see it executed; which had been infallibly done, had not the *Scotish* Commissioners given them in some Papers, complaining of many Violations of the Treaty, and the Arrears due to the Army. The King had also desired a Personal Treaty near *London*, and the *Scots* seconded it; but the obtaining it was impossible, for all this time the *Scotish* Commissioners and the *English* (whereof the greatest part were of the *Independent* Faction) were in no good terms. The Houses go on to high Resolutions, but are stopped by the *Scotish* Commissioners.

As for the Arrears of their Pay, the Two Houses talked of offering five hundred thousand pounds Sterling, whereof an hundred and fifty thousand should be paid presently, that so they might be rid of their Army, which they said was no more necessary in *England*; and a Complaint being made against some who spoke and wrote in prejudice of the *Scotish* Nation, an Ordinance was debated for punishing them. The *Independents* Imployed all their Strength against it; *Cromwell* spoke most vehemently, that it was to discourage their Friends, and to encourage their Enemies: but *Hollis* took him up so sharply, for calling base Libellers Friends, that he was glad to recant. When it went to the Vote it run near an equality, for 102 were against it, and 132 for it; so quickly were the Services of their dear Brethren of *Scotland* forgotten.

At this time the King sent my Lords of *Argyle*, *Lowdon*, and *Dumfermline*, to *London*. Their Instructions were, *to deal for a Personal Treaty near* London, *to get some of the Kings faithfullest Servants to be suffered to come and wait on Him. And for the* Militia, *the* Scots *had declared themselves satisfied with the Kings Concessions about it; wherefore He desired they would stick to Him according to their Promises. As for Religion, He desired they would represent to those who were best-affected, how dangerous it would be to insist too much on that at this time, when the greatest hazard was from the Sectaries, and that His Majesties consenting to a temporary Establishment of what they craved, did put them in a fair way to their Desires. And beside all this, it was recommended to them, to procure a delay of the Desire for an answer to the Propositions till the* 16th *of* September. The King employes *Argyle* at *London* for obtaining a Personal Treaty.

When these Instructions were given them, the King desired their promise, first, of Secrecy, next, of Fidelity in discharging what was intrusted to them: for the second they undertook it, but refused the first,

An. 1646. except the King alſo promiſed Secrecy. His Majeſty preſently apprehended their Deſign was, that the Duke and his Brother might underſtand nothing of their Imployment; and finding it was a thing, wherein neither of them was concerned, He thought it unfit to diſoblige *Argyle* by that Refuſal; ſince he was ſo able to ſerve him, if he ſhould be Cordial in it, and He was ſecure of the two Brothers, that if they miſtook His Reſervedneſs, it would be eaſie for Him to clear Himſelf afterwards. Yet this Secret was ill-kept among them, for the Earl of *Lauderdale* had notice of it, as he told the Author, before they came to *London*.; but oppoſed much the ſeeking a Delay to a prefixed day, ſince he knew that could not be granted without adding a dreadful Sanction of Depoſing the King, in caſe a favourable Anſwer came not againſt the day appointed; and found it would be eaſier to procure a Delay by other Methods, than by asking it. The Duke and his Brother were much troubled with the Kings Reſervedneſs in that Affair: but aſſoon as they underſtood the ground of it they were ſatisfied. But what ſucceſs that Negotiation had, or how it was managed, doth not appear to me from any of the Duke's Papers.

The Duke deals with the Committee of Eſtates, to get them to acquieſce in His Majeſties Conceſſions.

In the beginning of *Auguſt* the Duke went to *Scotland*, where his greateſt Care was, to ſee what could be done to get the Committee of Eſtates to be ſatisfied with the Kings Conceſſions, repreſenting to them, how they did at once put *England* in the poſſeſſion of the deſired Church-Government, and ſet the other out of the way, which was a great ſtop to their full ſatisfaction. He deſired they would conſider, how inhumane and unchriſtian it was to force the Kings Conſcience, and how much it ſavoured of the Violence they had lately condemned in the Biſhops. It was viſible, that nothing but Conſcience could be imagined to lye in the way of the Kings Accepting the Propoſitions; and were His Majeſty, like many Princes, to ſwallow down all things, and belch them up at their Pleaſure, there would be leſs ado made: but the Kings ſticking at what He could not yield, did abundantly ſecure them of His making good to them all that was promiſed. On the other hand they were to conſider, that if they ſhould now deſert the King, and bring their Army out of *England*, it would make them odious through the whole World, and the payment of the Arrears of their Army would paſs under a far worſe Character. Beſides, *England* was divided, and the Party that was moſt prevalent among them was the *Independent*, with the other Sectaries, who would never carry on the Settlement of Religion; and by their preſent carriage at *London*, it appeared what Friendſhip they had for *Scotland*: wherefore he moved earneſtly, that their Army ſhould not be brought out of *England*, till a firm Peace ſhould be eſtabliſhed, according to the firſt Treaty, *Anno* 1643.

but was oppoſed by the Miniſters.

This did ſhake many, but ſome of the Leading Church-men were not ſatisfied with this, and repreſented to their Party, that all this was ſaid ſmoothly, to engage them to the Kings Quarrel, which they were reſolved never to do till the Covenant were taken by Him. Neither were they well-ſatisfied with the Duke, for his being inſtrumental in the Agreement with *Montroſe* and his Party; and it was preached to his face, that all the Bloud that was lately ſhed, would lye on them and their Poſterity, who for the pleaſing of men had procured ſuch Favour to the Enemies of God, and of his Cauſe and People.

In

In the end of *Auguſt* they ſent the Duke with the Earls of *Crawford*, and *Caſilis*, and ſome others, to deal with His Majeſty for a ſpeedy granting of the Propoſitions, and to repreſent to him all the inconveniences that followed, even upon a Delay, much more upon a Denial. The Duke had no willingneſs to the Employment, miſdoubting the Succeſs, and knowing his engaging avowedly in ſuch a Meſſage, would be miſrepreſented: but there was no avoiding of it, for had he declined it, he would have been ſuſpected of being an ill Inſtrument, and of Averſion from the thing which would have diſabled him much from going on with the Kings Service. They came to *Newcaſtle* in the beginning of *September*, where they diſcharged themſelves of their Commiſſion to the full. *An.* 1646. The Duke is ſent to the King, to obtain from him the granting the Propoſitions.

But the King anſwered them in the following Paper, yet extant under His Majeſties Hand.

My Lords,

I Shall begin by anſwering what you have now ſaid; for I aſſure you, I had not thus long delayed My Anſwer, but to weigh fully thoſe Reaſons and Arguments which you have laid before Me, whereby to uſe the uttermoſt of My Endeavours to give you all poſſible Satisfaction: for you having told Me nothing but what I have heard before, the change of Anſwer could hardly be expected. And now I do earneſtly deſire you to conſider, what it is that I deſire, which is, To be heard, which if a King ſhould refuſe to any of His Subjects, He would for that be thought a Tyrant. For this if I had but ſlight Reaſons, it were the leſs to be regarded; but they are ſuch, upon which ſuch a Peace as we all deſire doth depend: for albeit it is poſſible that if I ſhould grant all you deſire, a Peace might be ſlubbered up; yet it is impoſſible that it ſhould be durable, unleſs there ſhould be a right Underſtanding betwixt Me and My People, which cannot be without granting of what I deſire. Yet I deſire to be rightly underſtood, for though many, like to Eſops *Fable*, will call Ears Hornes; *yet let men ſay what they will, I am far from giving you a Negative, nay I Proteſt againſt it, My only Deſire being to be heard: for I am confident that upon Debate, I ſhall ſo ſatisfie them in ſome things, as likewiſe I believe they may ſatisfie me in many things, that we ſhall come to a moſt happy Agreement. This I believe is not much needful to ſatisfie your Judgements, for I am not ignorant, how really your Commiſſioners at* London *have endeavoured a ſatisfactory Anſwer to My Meſſage; as likewiſe what good Inſtructions have been ſent them out of* Scotland, *ſo that the force of Power more than the force of Reaſon, hath made you ſo inſtant with Me as you have been: with which I am ſo far from finding fault, that what* The Kings Anſwer to their Deſires.

you

An. 1646. *you have done, I take well, knowing it proceeds out of the abundance of your Zeal to My Service; therefore as you see I do not mistake you, so I am careful not to be mistaken by you. Wherefore again I desire you to take notice, that I do not give a Denyal, My Desire being only to be heard; as likewise that you will take things as they are, since neither you nor I can have them as we would: wherefore let us make the best of every thing, and now as you have fully performed your Duty to me, so I cannot doubt, but you will continue to press those at* London *to hear Reason. And certainly you can little expect fair dealing from those, who shall reject so much Reason, and of that sort which you have, and I hope will offer to them.*

Not to stay you too long upon so unpleasing a Subject, I assure you that nothing but the Preservation of that which is dearer to Me than My Life, could have hindred Me from giving you full satisfaction: for upon My word all the dangers and inconveniences, which you have laid before Me, do not so much trouble Me, as that I should not give full satisfaction to the Desires of My native Country, especially being so earnestly pressed upon Me. And yet here again I must tell you, (for in this case repetitions are not impertinent) that I do not give you a Denyal, nay I protest against it; and remember it is your King that desires to be heard.

To this Paper I shall adde another, given by His Majesty to the Committee then at *Newcastle*: but by the Copy extant, written with *Lanerick's* hand, it doth not appear when it was sent them. The Paper follows.

My Lords,

Another Paper of His Maſties to the ſame purpoſe.

'TIs a very great grief to Me, that what I spoke to you Yesterday, and offered to you in Writing, concerning Religion, hath given so little satisfaction; yet lest the Reasons I then told you, should not be so fully understood, I think it necessary at this time to set them down to you in this Paper.

I then told you, that whatsoever was My particular Opinion, I did no ways intend to perswade you to do any thing against your Covenant; wherefore I desire you to consider, whether it be not a great step to your Reformation, (which I take to be the chief end of your Covenant) that Presbyterial Government be Legally settled. It is true, I desire that My Own Conscience, and those that are of the same opinion with me, might be preserved, which I confess doth not as yet totally take away Episcopal Government; but then consider with-

withall, that this will take away all the ſuperſtitious Sects, and Hereſies of the Papiſts *and* Independents, *to which you are no leſs obliged by your Covenant than the taking away of Epiſcopacy. And this that I demand is moſt likely to be but temporary, for if it be ſo clear, as you believe, that Epiſcopacy is unlawful, I doubt not but God will ſo enlighten Mine eyes that I ſhall ſoon perceive it: and then I promiſe you to concurr with you fully in matters of Religion. But I am ſure you cannot imagine, that there is any hope of Converting or Silencing the* Independent *Party, which undoubtedly will get a Toleration in Religion from the Parliament of* England, *unleſs you joyn with Me, and in that way I have ſet down, for the re-eſtabliſhing My Crown, or at leaſt that you do not preſs Me to do this (which is yet againſt My Conſcience) until I may do it without Sinning; which as I am confident none of you will perſwade Me to do, ſo I hope you have ſo much Charity, not to put things to ſuch a deſperate Iſſue, as to hazard the loſs of us all, becauſe for the preſent you cannot have full ſatisfaction from Me in Point of Religion: Not Conſidering that beſides the reſt of the Miſchiefs which may happen, it will infallibly ſet up the innumerable Sects of the* Independents, *nothing being more againſt your Covenant than permitting of thoſe Schiſms to encreaſe.* An. 1646.

As for the Meſſage which I think fit at this time to ſend, I have choſen rather to mention the Point of Religion in a general than particular way, leſt (not knowing all theſe Reaſons, which I have ſet down to you, which are moſt unfit for a Meſſage) it may give leſs ſatisfaction than I deſire. Nevertheleſs I do conjure you, by that Love and Loyalty you have always profeſſed unto Me, that you make uſe of what I offered Yeſterday in Writing, with theſe Reaſons which I have now ſet down to you, and thoſe further Hopes I have now given you for the beſt advantages of My Service.

With this particular Explanation, That whereas I mentioned, that the Church-Government ſhould be left to My Conſcience, and thoſe of My opinion, I ſhall be content to reſtrict it to ſome few Dioceſſes, as Oxford, Winchester, Briſtol, Bath *and* Wells, *and* Exceter: *leaving all the reſt of* England *fully to the Presbyterian Government, with the ſtricteſt Clauſes you ſhall think upon againſt* Papiſts *and* Independents.

POSTSCRIPT.

An. 1646.

POSTSCRIPT.

I require you to give a particular and full account hereof to the General Aſſembly now ſitting in Scotland, *ſhewing them, that I ſhall punctually make good My laſt Letter to them, and that this is a very great ſtep to the Reformation deſired, not only by the preſent putting down all Sects and* Independents, *but likewiſe preſently eſtabliſhing Presbyterian Government; hoping that they as Miniſters of Gods Word, will not preſs upon Me untimeouſly the matter of Church-Government and Diſcipline, until I may have leiſure to be ſo perſwaded, that I may comply with what they deſire without Breach of Conſcience, which I am confident, they as Church-men cannot preſs me to do.*

The Duke ſeeing matters deſperate, reſolves to retire out of *Britain.*

The Duke left nothing unſaid that could be deviſed, to prevail with the King for ſatisfying *Scotland* in the point of Religion, aſſuring him, that he found a great willingneſs in them to ſerve him in all other things, ſhould he yield to them in that one: That for the point of the *Militia*, they would ſtudy to bring it to what the King deſired, and in the point of the Delinquents, they would labour to get it brought to that, in which the Proceſs of the Incendiaries in *Scotland* had ended, that they ſhould only be ſecluded from Truſt: but he aſſured him, he found it impoſſible to make them abate a tittle of the Demand of Religion. Yet His Majeſty continued on his former Grounds, therefore the Duke reſolved on a preſent abandoning of Affairs, and of retiring from the World.

Lanerick was ſo angry at this Deſign, that he ſpared nothing that either his Affection or Wit could ſuggeſt, to divert him from that deſperate Reſolution (as he termed it.) He told him, could he not be Religious, but he muſt turn a Monk? and did he not think it beſt to ſerve God in that Station whereunto he had called him, or muſt he reject the choice of Gods Providence, and turn his own Diſpoſer? and was he ſo mean-ſpirited, as to abandon matters becauſe of the difficulties that were in them? But all he could deviſe was not like to prevail, for the Duke proteſted, it was impoſſible for him to look on and ſee His Majeſties Ruin, which was inevitable upon the Grounds he went on.

The *Independents* cajole the King.

At this time the *Independents*, fearing the extremity to which the King was driven might force him to conſent to any thing upon which a Settlement might follow, betook themſelves to ſtrange Methods to obſtruct it: they therefore gave ſome hopes that they would be willing to diſpenſe with the impoſing of the Covenant, and conſent to a Toleration of Epiſcopacy and the Liturgy, provided they might be ſatisfied in other points.

This ſuiting ſo well with the Kings Inclinations had too good a hearing from him: but my Lord *Lauderdale* wrote from *London* very warmly for undeceiving the King, aſſuring him that he infallibly knew, their Deſigns were the Ruin of Monarchy, and the Deſtruction of the King

But *Lauderdale* diſabuſes his Majeſty.

and

and His Poſterity; and though they might cajole His Majeſty with ſome ſmooth Propoſitions, thoſe were meant for His Ruine, that they might once divide Him from His Parliaments: after which they would deſtroy both Him and them, were it in their power. But if the King would now conſent to the Propoſitions, all would go right, and in ſpight of the Devil, and the *Independents* both, he would be quickly on His Throne: but Delays were full of danger, for they that wiſhed well to the King, were becoming daily more heartleſs, and the other Party grew in their Inſolence; and the Earl of *Eſſex* his Death at that time, had given the greateſt blow to the Kings Affairs they could have met with. This he continued to repreſent by many Letters, both to the King and thoſe about Him; yet His Majeſty was much wrought upon to give credit to thoſe Offers of the Sectaries, which made Him the leſs apprehenſive of hazard. *An.* 1646.

At length, when the Duke ſaw His Majeſty immoveable, he begged His permiſſion to retire. But the King reſiſted that with ſo much reaſon and affection, that in the whole Courſe of His Favours to him, there had not been any ſince the buſineſs of *Ochiltry* wherein He had more obliged him, than by the tenderneſs that then appeared in him. Yet the Duke was ſo importunate, that at length the King ſeemed to give way to it, at leaſt the Duke underſtood it ſo: whereupon, with as ſad a heart as ever man had, he took leave of the King, which he apprehended to be his laſt Farewell; and it proved to be ſo indeed, (except a tranſient view he had of Him at *Windſor.*) So he left the King, and carried home with him a heart ſo fraughted with Melancholy, that all could be done was not able to rouſe him out of it; and neither the tears of his dying Mother, nor the intreaties of his Friends, nor the conſtant perſecution of his Brother, (who was much vexed at it) were able to divert him from his Reſolution; for having overcome the Kings diſlike of it, which was ſtronger than all other things with him, he was proof againſt every thing elſe. But His Majeſty quickly repented Him of that tacit conſent He ſeemed to give, and therefore ſent after him this handſom Letter. The Duke obtains His Majeſties permiſſion to retire.

Hamilton;

I Have ſo much to write and ſo little time for it, that this Letter will be ſuitable to the Times, without Method or Reaſon; and yet you will find Luſty Truths in it, which puts Me again out of faſhion, but the fitter for him to whom I write. Now to My buſineſs: but leſt I ſhould now forget it, I muſt firſt tell you, that thoſe at London *think to get Me into their hands, by telling Our Country-men, that they do not intend to make Me a Priſoner: O No, by No means! but only to give Me an honourable Guard forſooth, to attend Me continually for the ſecurity of My Perſon; wherefore I muſt tell you, (and 'tis ſo far from a ſecret, that I deſire every one ſhould know it; only for the way, I leave it to you to manage it for My beſt advantage:) that I will not be left in* England *when* Which His Majeſty retracts by His Letter.

An. 1646. *this Army retires, and theſe Gariſons are rendred, (without a viſible violent force upon My Perſon) unleſs clearly and according to the old way of underſtanding, I may remain a Free-man, and that no Attendant be forced upon Me upon any pretence whatſoever. So much for that.*

A Diſcourſe yeſternight with Rob. Murray *was the cauſe of this Letter, having no ſuch Intention before, becauſe I eſteemed you a man no more of this part of the World, believing your Reſolutions to be like the Laws of the* Medes *and* Perſians. *But however he ſhewed Me ſuch Reaſons, that I found it fit to do what I am doing, (for I confeſs one mans errour is no juſt excuſe for anothers omiſſion) which is to ſtay your forreign Journey by perſwaſion. As for the Arguments I refer you to* Robin, *only I will undertake to tell you ſome poſitive Truths: the chief whereof is, That it is not fit for you to go; then, It is leſs ſhame to recant than to perſiſt in an Errour: My laſt is, By going, you take away from Me the means of ſhewing My Self.*

Your moſt aſſured, real,
faithful, conſtant Friend,

New-Caſtle September 26th, 1646.

CHARLES R.

But this Letter will be lame, unleſs made up with the Cover that went about it from Sir *Robert Murray*, which was, as he wrote in his next, almoſt wholly the Kings words, and not only his ſenſe: for the King the night before, falling in Diſcourſe with Sir *Robert* about the Duke, diſcovered very fully the Conſtancy of His Royal kindneſs to him: whereupon he laid His Commands on Sir *Robert*, to put him in mind of the Inconveniences his obſtinacy in that Reſolution would heap upon him; *and mentioned them* (theſe are Sir *Robert*'s words) *with a Friendlineſs, that related not to his own Concernments. Indeed they are ſuch, as the very apprehenſion of them cannot but deeply wound a Soul ſo great as yours. They are briefly theſe; The withdrawing your ſelf at this time, will be believed to proceed from a tacit Joy at the appearance of the bad Succeſs of his Affairs, or rather out of a deſign to contribute to it, under the diſguiſe of a ſeeming Retiredneſs and Diſcontent; Conſtructions which are not poſſible for him to make, but obvious to malevolent humours: That although you ſhould not be ſuſpected to be any ways acceſſory to diſloyal Courſes, it will be ſaid you are one of thoſe, who could have beſt hindred them: That your Country and Friends may ſay you have deſerted them in their greateſt Exigences, and that Differences may be reconciled betwixt His Majeſty and His Subjects by the endeavours of others.*

Theſe Commands were both peremptory and obliging, ſo that they could not fail of conquering all his Reſiſtance, and carrying his Obedience after them; which were ſtrengthened from the Letter he had at that ſame time from Her Majeſty, which follows.

Couſin,

An. 1646.

Couſin,

THe account the King hath given me of your Affection for His Intereſt, and thoſe marks of it, which from other hands have met me, do ſo ſenſibly affect me, that without any difficulty, or ſcruple, I do now entertain you with my Acknowledgments and Reſentments of it, before I have heard from you; and I aſſure you, of the ſatisfaction I ſhall ever have of the Continuance of it from you, which I ſhall deſire may be as intire and full as the Returns I ſhall ſtudy to make to you, being reſolved to lay hold on all occaſions, by which I may diſcover my Friendſhip for you, and to expreſs the Eſteem I have of your Friendſhip, by all means that may depend on my cares, which I ſhall imploy in giving you day by day new Proofs that I am, and ever ſhall be,

St. Germanes
22th September

Your affectionate Couſin,
and Friend,

HENRIETA MARIA R.

Upon theſe Intreaties and Aſſurances he was made to change his purpoſe, though he could not ſo eaſily part with his Melancholy thoughts, which he expreſſed in this following Letter.

May it pleaſe Your Sacred Majeſty,

THe Reaſons You were pleaſed to offer to my Brother, and Sir Robert Murray, *for diverting my Reſolution of leaving Your Majeſties Dominions at this time, were (I confeſs) of ſtrength enough, to have fixed me in any place of the World where Your Majeſties Service was concerned: but now ſeeing Your Majeſty hath honoured me ſo much, as by Your Gracious Letter (Your Self) to ſhew me ſtill Your diſlike thereof, how dare I diſpute what Your Majeſty thinks unfit? and now, Sir, the Thoughts I formerly had of leaving (as it were) the World (becauſe I would not be a witneſs of, what I feared, Your Majeſties Fall, ſince, as I conceive, I could not be inſtrumental to Your Service or Preſervation, upon the Grounds Your Majeſty went on) ſhall be changed into a Reſolution of being moſt miſerable in Your Dominions, if it ſhall not pleaſe God to deliver You out of thoſe Difficulties Your Majeſty is in; for I take God to witneſs, upon Your Happineſs depends my greateſt worldly Joy, how unfortunately ſoever I have (of late) been miſunderſtood. And though I cannot promiſe my ſelf ſo much good Fortune, as to prove uſeful to Your Majeſty; yet I dare and do engage for a cheerful Willingneſs, and perfect Fidelity in Your Majeſties Service, and truſt that God in his Mercy will ſo direct Your Majeſty, as by timeouſly granting the (now neceſſary and moſt preſſing) Demands of Your Kingdoms, the great Evils will be prevented, that threaten Your Sacred*

And writes to the King.

An. 1646. *Self, the Queens Majeſty, and Your Royal Poſterity; and likewiſe that of having any other Guard to attend Your Royal Perſon, than ſuch as ſhall be approved of by You, or Your Majeſties being neceſſitated to retire into* Scotland, *upon the return of the* Scotiſh *Army, where I apprehend Your Majeſties Entertainment will not anſwer Your Expectation, nor prove at all advantagious to Your Service. More I will not preſume to ſay, but ſhall really ſtudy in all things to ſerve Your Majeſty, and ever give ſuch ready Obedience to Your Commands, as becometh*

Kinneel 6th Octob. 1646.

Your Majeſties moſt faithful, moſt loyal, and moſt obedient Subject and Servant,

HAMILTON.

A day or two after His Majeſty received this Letter, He wrote the following Letter to my Lord *Lanerick*, the Poſt-ſcript whereof ſeems to relate to the Letter he had received from his Brother.

Lanerick,

BEfore now I had not matter to write to you, and now I have ſo much that I ſhall ſay the leſs, leaving this incloſed to ſpeak for me. But thus much I muſt aſſure you of, that I have herein gone the utmoſt length (as you call it) to give all poſſible Satisfaction, for (upon my word) one jot further cannot be gone by

Newcaſtle 15th Octob. 1646.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

POSTSCRIPT.

Tell your Brother, that it were a fault to him to trouble my Self in Complementing with him, and indeed to either of you any ways to doubt, but that you will make the beſt uſe you may of what I now ſend you for my Service.

The incloſed Paper is to be found among His Majeſties printed Meſſages to the Two Houſes, and therefore it is not inſerted here. But the ſatisfaction the King had in the Dukes conſenting to ſtay ſtill in *Scotland*, appears by the end of the next Letter he wrote to himſelf.

Hamilton,

An. 1646.

Hamilton,

THis is rather to perform my Promiſe to a Lady, than that I believe it to be needful in reſpect of you; for I know you naturally ſo much favour all my Friends, and know ſo well the great Eſtimation I have of the Earl of Brainford, *beſide what hath been told you concerning him by your Brother* Lanerick, *by my Directions, that I am certain without this you will favour his buſineſs what you can: and ſince I am writing I muſt ſay, that there is no particular Mans buſineſs, wherein you can give me ſo much Contentment as this; of which I need ſay no more, but only that you will ſhew his Wife, that my Recommendation to you of her Lords Affairs, is real and hearty. Nor can I end this, without taking notice to you of the Contentment I had, that my laſt Letter to you had the wiſhed for operation; for beſides the obtaining my end, (which ſeveral ways is ſatisfactorily uſeful to Me) I ſee that all men have not forſaken Reaſon, or, at leaſt, that I am ſometimes in the Right, as I am confident you will make appear the great Reaſon I have to be*

Your moſt aſſured, real,
conſtant Friend,

CHARLES R.

The Duke labours to engage *Scotland* for a Perſonal Treaty.

But to return to Publick Affairs, the Duke at his coming to *Scotland*, procured new Inſtructions to be ſent to their Commiſſioners at *London*, to preſs a Perſonal Treaty, and that the King might be with Safety and Honour in *England*, and that it might be declared, that the Government of *England* ſhould ſtill continue according to the Fundamental Laws. The chief buſineſs at *Weſtminſter* was to be rid of their Brethren of *Scotland*; wherefore they fell a-treating about the Removal of the Army and the Delivery of the Garriſons. The *Scots* demanded five hundred thouſand pounds Sterling, and of that Sum two hundred thouſand pound preſently: but four hundred thouſand were Voted to them, and only one hundred thouſand preſently, and upon this they ſtood long.

The *Scotiſh* Commiſſioners at *London* complain of the Kings ill Uſage, and the harſh Votes of the Two Houſes.

The Two Houſes having on the 24th of *September* Voted, that the Kings Perſon ſhould be demanded from the *Scotiſh* Army, their Commiſſioners at *London* gave in long Papers againſt that, which were Printed, and ſo need not be here inſerted. In them they ſhewed,

That the King being Soveraign of both Kingdoms, was not to be diſpoſed by the Parliament of one Kingdom; That this was deſtructive to the Relation and Intereſt the Scotiſh *Nation had in Him, and contrary to the nature of Soveraignty, and to the Covenant and Treaties of both Kingdoms: by which it was agreed, That His Majeſties juſt Power and Greatneſs ſhould not be di-*

An. 1646. *diminiſhed, which by ſuch a Demand of His Perſon was very ſignally done. It was alſo agreed, that all things in order to Peace (to which the Diſpoſal of the Kings Perſon did relate in a ſignal manner) ſhould be done by the Joynt Councils of both Kingdoms.*

Many Conferences are betwixt the Two Houſes and them.

After this, in the Month of *October*, begun the Treaty betwixt the *Scotiſh* Commiſſioners and the Committee appointed for that end by the Two Houſes of Parliament, which was managed in the *Painted Chamber*, in the preſence of all the Members of the Two Houſes. The *Scotiſh* Commiſſioners (who were the Earls of *Lowdon* and *Lauderdale*, and the Lord *Wariſton*) declared in all their Papers and Speeches, that they were not to Treat about His Majeſties Perſon, nor the Diſpoſing of it; but only about the Removal of the Army, the Delivery of thoſe Garriſons that their Army had in *England*, and the Payment of Arrears due for their Armies both in *England* and *Ireland*: and they continued to preſs, that whereas the Two Houſes had, in all their former Declarations, laid the blame of the Breach betwixt the King and them on His Majeſties Withdrawing from His Parliament, that therefore they would invite His Majeſty to come with Honour, Freedom, and Safety, to ſome of His Houſes in or about *London*, in which they ſtill inſiſted to the laſt. And ſo far were they from Treating about the Diſpoſing of His Majeſties Perſon, that in the end of their Treaty, when they had finally agreed on all things, it was expreſly declared in the firſt Article of the Treaty that paſs'd under the Great Seal, that nothing relating to the Kings Perſon was concluded on by it; ſo that after that was ended, the *Scotiſh* Parliament might have ſtill preſerved the King, and brought him with their Army to *Scotland*.

The Houſes preſs a ſpeedy Anſwer to their Propoſitions.

But the Houſes turned the Propoſitions to Bills, and paſſed a Vote that new Commiſſioners ſhould be ſent to the King, with the concurrence of thoſe of *Scotland*, to preſs a ſatisfactory Anſwer: with this Sanction, that if it were not granted, they ſhould be forced to look to the Security of His Perſon. And the *Engliſh* Army fell upon a moſt deſtructive Reſolution, of adjourning the Parliament; neither were they over-awed by any thing ſo much, as the fear of the *Scotiſh* Army. The great point now debated in the Councils of *Scotland*, was, whether a final Settlement with the King ſhould be the Condition of the Armies Retiring, or not? The Duke with all his Friends preſſed this vigorouſly, as that which was agreed on by their Covenant and Treaties. But the Church-men ſtill influenced all Counſels, and finding the King irreconcileable to their Way, were ſtill full of their Jealouſies of Him; and it was ſaid down-right, that they ought not to meddle betwixt the King and the Parliament of *England*, but leave Him and them to their own Counſels; ſo ſtrangely did their Language vary from what it was *Anno* 1643.

Mr. *Murray* is ſent by the King to *London*.

At this time the King ſent Mr. *Murray* of the Bed-Chamber to *London*, who carried another Meſſage; but it was ſo diſpleaſing, that it ſerved only to put his Neck to a new hazard for the Kings Service, and he durſt ſcarce ſtir out of doors all the while he was there.

The Parliament of *Scotland* meets.

In the beginning of *November* a new Seſſion of the Triennial Parliament of *Scotland* did hold, but little was done for ſome Weeks; ſave that there came to them a Remonſtrance from the Aſſembly, wherein

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in the firſt place Complaints were made of the Committee of Eſtates, for their Agreement with *Montroſe* and his Followers, which was repreſented as a great Crime, eſpecially they being excommunicated. Next, they complained of His Majeſties conſtant adherence to Prelacy, and of the danger Religion was in by the Malignants (for ſo was the Kings Party then called) who were beginning to ſet up their Heads again; wherefore they recommended to their Care, both the Preſervation of Religion, and of the Treaties with *England*. Upon this the Tranſaction of the Committee of Eſtates in the Agreement with *Montroſe* was examined, and it was put to the Vote, *Approve* or *Exoner them only*: the former was carried by twenty Votes, but all the Pulpits thundered againſt it; wherefore to ſtop the mouths of the Miniſters, it was enacted, That in any Treaty that ſhould be thereafter with thoſe who were in Arms, the Commiſſion of the Kirk ſhould be conſulted about the Lawfulneſs of the Conditions. For at this time both the Marquis of *Huntley* was in Arms in the North, and *Antrim* was alſo come over to *Kintyre* in *July* the former year, and continued ſtill there. His Majeſty ſent Mr. *Robert Leſley*, with Orders to my Lord *Huntley* for laying down of Arms, with whom he wrote the following Letters to the two Brothers. *An.* 1646.

Hamilton,

A *Truſty Meſſenger requires but a ſhort Letter, and brevity is the more convenient for Me, who have much to do, and but few helpers: wherefore I ſhall ſay no more, but hear and truſt* Robin Leſly, *for he is come from*

Newcaſtle Nov. 12th, 1646.

Your moſt aſſured, real, faithful, conſtant Friend,

CHARLES R.

Lanerick,

H*Earing that Marquis* Huntley *expects My Commands for his laying down of Arms, I have thought fit to ſend this Truſty Bearer,* Robin Leſly, *to him, but thought it neceſſary to addreſs him firſt to you, that you in My Name might acquaint the Parliament with this My Intention; which if they approve of, he may go on accordingly, if not, there is no hurt done. Yet howſoever I have expreſſed My Deſire for the Peace of the Country: but in caſe they ſhall permit* Robin *to obey My Commands, then I expect that they give him Power to aſſure* Huntley, *of the ſame Conditions that he might have had before. All which I command you to repreſent to My Parliament in My Name, leaving the particular*

An. 1646. *ticular expreſſions to you, having only ſet down the ſenſe. Other things I have intruſted little* Nobs *to tell you, too long for a Letter, but of no ſmall Conſequence; by which at leaſt you will find that according to My Profeſſions I am*

Your moſt aſſured, real,
conſtant Friend,

CHARLES R.

*His Majeſty alſo expreſſed His Concerns for *Traquair* in the following Letter.

Lanerick,

ALbeit I am confident, that you will further all My Friends Affairs, yet I muſt not be ſo negligent in Traquair's *behalf, as not to name his buſineſs to you, for admittance to his Place in Parliament; of which I will ſay no more, but you know his Sufferings for Me: and this is particularly recommended to you by*

Newcaſtle 17th November 1646.

Your moſt aſſured, real,
conſtant Friend,

CHARLES R.

POSTSCRIPT.

I account writing to you or your Brother all one.

They conſult in *Scotland* how to diſpoſe of their Armies.

But the main Buſineſs was, what to do with their Armies that were in *England*. The Kingdom was groaning under a heavy and unſupportable Burden for their Maintenance, ſo disbanding was a very plauſible Motion: and all deſired, that only ſuch Forces ſhould be kept up as were neceſſary for the Preſervation and Security of *Scotland*. The Duke and his Brother regrated much, that ſo many Gallant Men ſhould be disbanded, who might be very uſeful for the Kings Service; therefore they oppoſed all theſe Propoſitions, arguing that till a final Peace were ſettled in *England*, they might look for no Security to *Scotland*. And in their Letters to His Majeſty, they continued to repreſent the deſperate eſtate of Affairs, if he did not quickly ſatisfie them in the buſineſs of Religion: and that the Money for the Pay of the Army, was now coming in daily at *London*, and would be quickly ready; and after that was ſent down, they could not keep the Army any longer in *England*, without a preſent Breach, to which they found no inclinations in the *Scotiſh* Parliament, as long as they were not ſatisfied in what

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was ſo earneſtly deſired. But the King was firm to his firſt Reſolution. *An.* 1646.

Maſter *Leſley*, at his return to the King, brought him ſuch aſſurances of the Affection and Duty of both the Brothers, that the next Diſpatch carried the following Letters to them.

Hamilton,

I *Remember yet ſo much Latine as an old Proverb comes to, which is,* quod valde volumus id facile credimus. *This I apply to* Robin Leſley's *report of your Carriage in My preſent Service: concerning which, I will only ſay, that you ſhall not more certainly make good what he hath promiſed Me in your Name, than I will to you what he hath ſaid in Mine; and even in ſomething (by way of ſpeaking) beyond My Power, I doubt not but to make it good, as concerning your* French particular. *But I ſhall leave all things not only of this nature, to this honeſt Bearers relation, but likewiſe whatſoever elſe may concern the Service of*

Newcaſtle 24th Nov. 1646.

Your moſt aſſured, real, faithful, conſtant Friend,

CHARLES R.

Lanerick,

I *Have according to your Advice given a quick Return to this Truſty Bearer, having inſtructed him fully in what I conceive neceſſary to My Affairs, wherein, in many things, I have given him a Latitude to govern them according to your Directions; wherefore I will ſay no more, (becauſe if I ſhould enter into Particulars, I would not know how to end) but that with Contentment I find daily more and more cauſe to be*

Newcaſtle 24th November, 1646.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

An. 1646.

POSTSCRIPT.

I recommend particularly the Earl of Morton's *Affairs.*

Matters were now ripening unto much Confuſion and Miſchief, which made His Majeſty think of a full Anſwer to the Propoſitions; but before He ſent it to *London*, He communicated it to my Lord *Lanerick* in the following Letter.

Newcaſtle 4th Decemb. 1646.

Lanerick,

The Kings Letter about His Anſwer to the Propoſitions.

ACcording to My Promiſe by little Nobs, *I ſend you here incloſed, the Anſwer which I have reſolved to ſend to* London; *wherein you will find a Clauſe in favour of the* Independents, *to wit, the Forbearance I give to thoſe who have Scruples of Conſcience: and indeed I did it purpoſely, to make what I ſend reliſh the better with that kind of People. But if My Native Subjects will ſo countenance this Anſwer, that I may be ſure they will ſtick to Me, in what concerns My Temporal Power, I will not only expunge that Clauſe, but likewiſe make what Declarations I ſhall be deſired againſt the* Independents, *and that really, without any reſerve or equivocation; yet know, that no Perſwaſion or Threatning whatſoever ſhall make Me alter a tittle of any thing elſe in it, nor that neither but upon theſe Aſſurances.*

The end therefore why I ſend you this before it go to the Engliſh *Parliament, is, to try before-hand how I can procure it to be countenanced by My* Scotiſh *Friends, for which you are to uſe all poſſible induſtry, not ſeeking a full Approbation, but taking what you can get; abſolutely commanding you not to hazard it in a Publick Way, unleſs you be ſure that I ſhall receive no rub in it.*

For this, I conceive it were a wrong to you, to uſe any Arguments to make you do your beſt, but to tell you this is Coup de partie; *aſſuring you that I ſhall not judge you by the Event, but by your Endeavours, which I am confident will be according to your Profeſſions: and for Gods ſake, do not ſo much as expect, much leſs linger after any other or further matter from Me, whereby to ſerve Me in this great Buſineſs; for upon the Faith of a Chriſtian, you ſhall have no more than what is now laid before you. And know that I rather expect the worſe, than the better Event of things, being reſolved (by the Grace of God, and without the leaſt repining at him) to ſuffer any thing that*

Injury

Injury can put upon Me, rather than ſin againſt My Conſcience; of which upon My credit you ſee the furtheſt Extent in relation to the preſent Affairs. I ſay no more but difficilia quæ pulchra, *and ſo God bleſs your Endeavours.* An. 1646.

Your moſt aſſured, real,
conſtant Friend,

CHARLES R.

POSTSCRIPT.

In order to that I have written and ſent you herein, I have commanded this Truſty Bearer Sir James Hamilton, *to tell you as many things as I can remember; whom I deſire you to return to Me (or ſome other Truſty Meſſenger) aſſoon as you may with what I am to expect from thence.*

The incloſed Paper is marked on the back by the Kings Hand thus; *The Anſwer to the Propoſitions, which I have reſolved to ſend to* London; which I inſert becauſe it is not among His Majeſties Printed Meſſages.

His Majeſties Anſwer to the Propoſitions, tendered to Him by the Commiſſioners from the Lords and Commons in the Parliament of *England* at *Weſtminſter*, and the Commiſſioners of the Parliament of *Scotland*.

CHARLES R.

AS it is His Majeſties chief deſire to make ſuch a Return to the Propoſitions, as may ſpeedily produce a bleſſed, firm, and laſting Peace in all His Dominions; ſo He hath employed His uttermoſt endeavours, to give a full and particular Anſwer to every Branch of them. But the more He conſiders the nature of them, together with the high Importance, and variety contained therein, (not without ſome ambiguity, as well in the ſeveral Propoſitions, as alſo in comparing the one with the other) ſo much the more He finds it neceſſary to deſire the help of Explanation, Debate, and Conference, concerning ſome of them, (as he touched in His Paper) whereby His Underſtanding may be informed in thoſe things, which as yet are not clear to The Kings Anſwer to the Propoſitions.

An. 1646. *Him, His Reaſon may be more fully convinced, and His Conſcience ſo ſatisfied, that without offence to either of them He may make ſuch a particular diſtinct Anſwer, as may beſt attain His Deſires of ſatisfying them. and though for the preſent His Majeſty (at this diſtance from His Two Houſes) wants the view of many neceſſary Papers, and other Aſſiſtances; yet, at what diſadvantage ſoever, He will apply Himſelf to give all the ſatisfaction that is in His power, deſiring He may not be miſ-interpreted in any thing He ſhall ſay or omit.*

His Majeſties Anſwer to the firſt Propoſition is, That upon His Majeſties coming to London, *He will heartily joyn in all that ſhall concern the Honour of His two Kingdoms, or the Aſſembly of Eſtates of* Scotland, *or of the Commiſſioners, or Deputies of either of them; and particularly in thoſe things which are deſired in that Propoſition, upon confidence that all of them reſpectively with the ſame tenderneſs will look upon thoſe things which concern His Majeſties Honour.*

Concerning all the Propoſitions touching Religion, His Majeſty ſays, that He has often and ſolemnly profeſſed His Opinion concerning Epiſcopacy, to which He refers Himſelf; yet conſidering the preſent Diſtractions about Religion, which are ſo great, and of that nature, that Perſwaſion as well as Power, muſt be uſed to reſtore that happy Tranquillity which the Church of England *hath lately and miſerably loſt, (for certainly Violence and Perſecution never was nor will be found a right way to ſettle mens Conſciences.) His Majeſty propoſes, that He will confirm the Presbyterian Government for Three Years, (being the time ſet down by the Two Houſes) that is to ſay, that during the ſaid time, the Church be governed by Claſſical and Congregational Elderſhips, National and Provincial Aſſemblies, with their reſpective Subordinations, with ſuch Forbearance to thoſe who through ſcruple of Conſcience cannot in every thing practiſe according to the ſaid Rules, as may conſiſt with the Rule of the Word of God, and the Peace of the Kingdom: and that the Office of Ruling-Elders, the Power of Elderſhips to ſuſpend from the Sacrament of the Lords Supper ignorant and ſcandalous Perſons, be all ſettled by Act of Parliament for the aforeſaid Term; as alſo that the Directory be by the ſame way authorized for the ſame time; ſo that His Majeſty, and His Houſhold be not hindred from uſing that Form of Gods Service which they have formerly done: and alſo that in the mean time, and with all convenient ſpeed, a Committee be choſen of Both Houſes, to have a free Conſultation and Debate with the Aſſembly of Divines, (being alſo willing the ſaid Aſſembly ſhall be authorized to ſit for the ſpace of the ſaid Three Years, twenty more being added of His Majeſties Nomination) how the Church ſhall be ſettled and governed at the end of Three Years or ſooner, if Differences may be agreed. Alſo it is to be underſtood, that thoſe Committees ſhall have no Power, but of hearing, debating, and reporting, the better to prepare all theſe Differences for the Determination of His Majeſty and the Two Houſes.*

To the Seventh and Eighth Propoſitions His Majeſty will conſent.

To the Ninth Propoſition His Majeſty doubts not but to give good ſatisfaction, when He ſhall be particularly informed how the ſaid Penalties ſhall be levyed and diſpoſed.

To the Tenth His Majeſties Anſwer is, That He is, and hath been always willing to prevent the Practices of Papiſts, and therefore is content to paſs an Act of Parliament for that purpoſe; as alſo that the Laws againſt them may be duely executed.

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His Majeſty will give His conſent to the Act for the ſtrict Obſervance of the Lords Day, for the ſuppreſſing of Innovations, and thoſe concerning the Preaching of Gods Word, and touching Non-reſidencies and Pluralities. An. 1646.

And His Majeſty will be willing to paſs ſuch an Act or Acts, as ſhall be requiſite to raiſe Moneys for the payment and ſatisfaction of all Publick and paſt Debts, expecting that His alſo will be therein included.

As to the Propoſition concerning the Militia, *though His Majeſty cannot conſent to it in* terminis *as it is propoſed: becauſe thereby (as He conceives) He wholly deveſts Himſelf of the Power of the Sword intruſted to Him by God, and the Laws of the Land, for the Protection and Government of His People, and placeth the ſame (in effect) for ever in the Two Houſes of Parliament; thereby at once diſinheriting His Poſterity of that Right and Prerogative of the Crown, which is abſolutely neceſſary to the Kingly Office, and ſo weakening Monarchy in this Kingdom, that little more than the Name and Shadow of it will remain: yet if it be only Security for the preſervation of the Peace of this Kingdom after theſe unhappy Troubles, and the due performance of all the Agreements that now are to be concluded, which is deſired, (which His Majeſty always underſtood to be the caſe, and hopes that herein He is not miſtaken) His Majeſty will give abundant Satisfaction; to which end He will conſent by Act of Parliament, That the whole Power of the* Militia, *both by Sea and Land, be in the Two Houſes for the ſpace of Ten Years, and afterwards to return to its proper channel again, as it was in the time of Queen* Elizabeth, *and King* James *of bleſſed Memory. And now His Majeſty conjures His Two Houſes of Parliament, as they are* Engliſh-men, *Chriſtians, and Lovers of Peace, by the Duty which they owe to Him their King, and by the bowels of Compaſſion which they have to their Fellow-Subjects, that they will accept of theſe His Majeſties Offers, whereby the joyful News of Peace may be again reſtored to this languiſhing Kingdom. His Majeſty will grant the ſame to the Kingdom of* Scotland, *if it be deſired, touching the conſervation of the Peace betwixt His two Kingdoms.*

Touching Ireland, *His Majeſty will give full ſatisfaction, as to the managing of War; and for Religion, as in* England.

Touching the mutual Declaration propoſed to be eſtabliſhed in both Kingdoms by Act of Parliament, and the Qualifications, Mollifications, and Branches which follow in the Propoſitions; His Majeſty truly profeſſes, that He does not ſufficiently underſtand divers things contained therein: but this He ſufficiently knows, that a General Act of Oblivion is the beſt Bond of Peace, and that after inteſtine Troubles, the Wiſdom of this and other Kingdoms, hath uſually, and happily in all Ages, granted general Pardons with none or very few Exceptions, whereby the numerous Diſcontentments of many Perſons and Families (otherwiſe expoſed to Ruine) might not become fuel to new Diſorders or the ſeeds of future Troubles. His Majeſty deſires that His Two Houſes of Parliament ſhould ſeriouſly deſcend into theſe Conſiderations, and tenderly look upon His Condition herein, and the perpetual Diſhonour that muſt cleave to Him, if He ſhould thus deſert ſo many perſons of Condition and Fortune, that have engaged themſelves with Him, only out of a ſenſe of Duty. His Majeſty is very unwilling to enlarge Himſelf further upon this Subject, but earneſtly deſires that upon Conference theſe Particulars may be better underſtood and reconciled, wherein He will condeſcend to all that in Honour and Juſtice He may do concerning the ſame; and then they may likewiſe particularly conſider, and conclude

An. 1646. *clude, of the beſt Means to diſcharge the Publick Debts, as likewiſe thoſe of His Majeſties: and then His Majeſty will apply Himſelf to the Conſideration concerning the Seals, and any other thing now caſually omitted, for to which for the preſent (without further Information or Debate) His Majeſty cannot give any poſitive Anſwer.*

As for the Offices which are mentioned in the 17th *Article, albeit His Majeſty judges that the free Diſpoſal of them is a neceſſary Flower of the Crown; yet he is content, for the ſpace of theſe next Ten Years to come, to nominate ſuch, both for* England *and* Ireland, *who after ſhall be approved of by the Two Houſes, to be enjoyed by theſe Perſons* Quam diu ſe bene geſſerint, *ſo that after the ſaid Ten Years, they ſhall return to be diſpoſed of as formerly.*

His Majeſty will very willingly conſent to the Act, for the Confirmation of the Priviledges and Cuſtoms of the City of London.

And now that His Majeſty hath thus far endeavoured to comply with the Deſires of His Two Houſes of Parliament, He conceives it ſeaſonable for Him to propoſe ſome things for Himſelf, which (if conſented to) may be a teſtimony of their reciprocal Affections to Him.

Firſt, that an Act of Oblivion and General Pardon be paſſed by Act of Parliament, whereby all the ſeeds of Diſcontentments and future Troubles may be quite extirpated.

Secondly, that the Two Houſes would ſettle upon His Majeſty, ſuch a certain Revenue as may be honourable, and ſufficient for the ſupport of Him, His Wife, Children, and their Families.

Laſtly, that this Agreement may be firm and laſting, His Majeſty deſires to come to Weſtminſter, *with honourable Freedom and Safety, there ſolemnly to confirm the ſame; where He may both give and receive Pledges of mutual Love, Confidence, and of Truſt with them in all things, which ſhall concern the good and proſperity of His People.*

Newcaſtle the Decemb.
1646.

To this Letter with the Incloſed Meſſage my Lord *Lanerick* wrote the following Anſwer.

Lanerick's Anſwer to His Majeſty.

Moſt Sacred Soveraign,

IMmediately after the receipt of Your Majeſties Commands of the 4th *Inſtant, by Sir* James Hamilton, *I imparted under a tye of Secrecy Your intended Meſſage to the Houſes of Parliament to ſuch Perſons, as I knew were moſt tender of Your Majeſties Honour and Happineſs: but I muſt humbly beg Your Majeſties Pardon, if my Freedom offend, ſince I cannot conceal ſo important a Truth as that. I cannot find many here ſatisfied with it, nor dare I promiſe the leaſt Countenance to it from this Kingdom; ſeeing Your Majeſty hath divers times verbally, and now again by Your Letter, aſſured me of Your Reſolution to adhere to the Grounds contained in this Meſſage. I ſhall not preſume to make any Objections againſt it, having (when I had the honour to wait upon Your Majeſty laſt) repreſented my ſenſe of that You was pleaſed to ſend by* Mr. Murray, *whereof this in divers Particulars comes far ſhort; for beſides that it is as wanting in that Article concerning Religion, Your Majeſty offers far leſs than you did at that time by the private Inſtructions Your Majeſty then gave Him, in the Propoſitions about the* Militia, *Officers of State, and the Great Seal: yet I find not Your Majeſties Condition is much more*

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promiſing at leaſt to vulgar eyes. That Clauſe concerning the Liberty Your An. 1646.
Majeſty would allow to Tender Conſciences, is one of the meaneſt Particulars, that is miſliked in Your Majeſties Anſwer to the Propoſition concerning Religion: Your Majeſties Preface to that Article, the Limitation of time to Preſbyterial Government, the addition of Twenty of Your Majeſties Nomination to the Aſſembly of Divines, the particular Exception of Your Own Family, and (what is moſt of all) the total omiſſion of making any mention of the Covenant, are the moſt inſiſted-on Objections. But as I dare not think upon the ſad Conſequences (in relation to Your Majeſties Perſon and Government) which will preſently follow upon the Return of the Scotiſh *Army, and Your Majeſties declining to allow the Covenant, without which, though I preſume not to preſs it, all that can be offered will not ſatisfie here; ſo I will not conceal the great advantages which I conceive the doing of it would bring to Your Majeſty, and to thoſe You ſtudy to preſerve: for I am confident it might be ſo managed, as this Kingdom would not only declare themſelves, for Preſerving Your Majeſties juſt Rights in Civil Relations, but likewiſe engage themſelves for an honourable and ſpeedy Invitation of Her Majeſty to return from* France. *Beſides an eaſie paſſing of all ſuch, who during theſe Troubles have adhered to Your Majeſty in* England, *with what elſe could be expected from faithful and dutiful Subjects. But I have by my impertinent Expreſſions exceeded both my Intention and Duty, for which I humbly beg Pardon for.*

Edinburgh 8th Decemb. 1646.

Your Majeſties moſt faithful, moſt loyal, moſt obedient Subject and Servant,

LANERICK.

Upon this His Majeſty wrote what follows.

Lanerick,

I *Like well of your accuſtomed Freedom, nor ſhall I alter My ſtile to you: and indeed as I am well ſatisfied with your Proceedings, in order to My Commands ſent by Sir* James Hamilton, *ſo I wonder much, that My intended Anſwer had ſo ill a Reception among you; for albeit I could not expect, that you would approve what I know is ſo much againſt your Wiſhes, yet I thought that even Common Charity (beſides believe Me, there is alſo the Intereſt of the Country, which would be conſidered) might make you endeavour to make the beſt of that you ſaw remedileſs. Yet ſince what I ſent you is ſo much miſtaken, the reſt is the leſs wonder to Me; for it amazes Me to hear, that ſome amongſt you, who know every tittle that* Will. Murray *carried, ſay that this is far ſhort in divers Particulars, when there is but one (which is the* Militia) *for which there is any colour, and not that neither but in a much wreſted ſenſe. And is it not ſo, when private Inſtructions are the only ground, which only permit a further Latitude to be made uſe of in caſe of abſolute neceſſity,*

His Majeſty writes more fully on theſe Heads.

An. 1646. *neceſſity, and not otherwiſe, it being a new kind of Incivility, that particular Freedoms ſhould be eſteemed Publick Obligations: yet if they think, they have ſo great a catch of it, ſo that* Scotland *will declare for Me, I will ſtand to the leaſt tittle of theſe Inſtructions (nothing being omitted) according to their plain Grammatical ſenſe. As for the Officers of State, certainly My Advocate will clear that Miſtaking; for all the Alteration concerning them is only for the better Conformity of that Paper, which he brought from* London. *And for the Great Seal, upon the peruſal of all My Papers, I have not wit enough to find from whence the ground of going leſs can be taken: but for Religion, I know not what to ſay, except endeavouring to be civil be termed a going leſs; if ſo, that fault ſhall be ſoon helped. And indeed I cannot but think it ſtrange, that rather than to comply any thing with My Conſcience, you will (I ſpeak not perſonally to you, but to the Kingdom in general) ſubmit to the Wills of thoſe, who at leaſt can never prove your Friends, and that to the viſible Prejudice (I may ſay more) both of you and Me, though I expreſs My endeavouring to content you, by ſhewing you more than a probable way for attaining your Pretenſions, which you make altogether deſperate by rejecting My Offer. And truly I am confident not to be ſingle to think your Exceptions ſtrange; for, firſt, civil Ingenuity uſes not to be miſliked; then, I rather expected Thanks for giving of ſome time to Presbyterial Government, than to have the Limitation of it objected againſt Me, eſpecially ſince that without Me it cannot be eſtabliſhed. And is it unfit for Me to have what is granted to all Publick Miniſters by the Law of Nations? Yes, I cry you mercy, for Kings uſe to diſpenſe, not to be diſpenſed with. And why will ye not have Twenty Divines of My Nomination, to ſpeak amongſt your grave Aſſembly? Is it that you miſdoubt your Cauſe, or that you will not have it diſputed? neither of theſe Reaſons can I ſubmit to, a third I cannot find. Laſtly, as for your Covenant, when, and not before, I ſhall be ſatisfied in My Conſcience that I may allow it, I will: but I ſee no way for that ſatisfaction, unleſs by ſuch a Conference as I have propoſed. Now for ſad Conſequences I know no Antidote ſo good as a clear Conſcience, which (by the Grace of God) I will preſerve, whatſoever elſe happen to*

Newcaſtle 14th December 1646.

Your moſt aſſured, real, conſtant. Friend,

CHARLES R.

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An. 1646.

POSTSCRIPT.

I have ſo much work now, that if you had ten Brethren, what I have written is enough for them all.

A few days after this His Majeſty ſent His laſt Meſſage to the Two Houſes, to be preſented to the *Scotiſh* Parliament, with which he wrote the following Letters to the two Brothers.

Hamilton,

I Thank you for the timeous advertiſement you and your Brother have ſent Me by this Bearer, whom I have returned to you with ſome Queries, which I deſired a Friend of yours to write more at large to you, than I have now time for; to which, and to this Bearer referring you, I reſt

Your moſt aſſured, real,
faithful, conſtant Friend,

Newcaſtle December 19th, 1646.

CHARLES R.

Lanerick,

SInce I ſaw by what Sir James Hamilton *brought Me from you, what Reception My intended Meſſage to* London *was likely, nay ſure to have, and ſince My Conſcience will not permit Me a further Length, (I know not what I may do upon a full and free Debate at* London*) I have ſent another, the Copy whereof is here incloſed, which I expreſly ſend you, to acquaint the* Scotiſh *Parliament with what I have done, and to deſire their Aſſiſtance in it; in which, knowing that your Fidelity needs no ſpurs, nor your Ability information what to ſay, I will ſay no more, but that I am*

Your moſt aſſured,
real, conſtant Friend,

Newcaſtle 19th Decemb. 1646.

CHARLES R.

But as for the incloſed Meſſage, it being Printed among His Majeſties Meſſages, it is needleſs to inſert it here.

And now came on the fatal Turn of matters in *Scotland*, which ſhall be ſet down from a Letter of my Lord *Lanerick*'s that follows, but to whom the Writer knows not, the Direction being loſt.

An. 1646.

SInce my laſt, our Debates have been of ſo great Importance that I cannot conceal them. Yeſterday we ſpent two Hours in the grand Committee, (the whole Parliament being preſent) and indeed to good purpoſe; for it was reſolved, that preſent Inſtructions ſhould be ſent to our Commiſſioners, to preſs His Majeſties coming to London *with Honour, Safety, and Freedom, and that we ſhould declare our Reſolutions to maintain Monarchical Government in His Majeſties Perſon and Poſterity, and His Juſt Title to the Crown of* England. *But I confeſs this Day is the ſaddeſt I ever ſaw, for after Reſolutions were taken of ſending to His Majeſty, it is carried that nothing but a Grant to the whole Propoſitions muſt be demanded, and in caſe of a Refuſal the former Certifications given to His Majeſty put in execution, of Securing the Kingdom, and Settling a Government without Him: and leſt His Majeſty ſhould have hopes of engaging this Kingdom on eaſier terms, or thinking to come to* Scotland, *(where though He ſhould loſe* England, *He might exerciſe the Office of a King) it is to be Declared, that this Kingdom cannot lawfully engage themſelves for His Majeſties Preſervation, albeit He ſhould be even Depoſed in* England, *He not taking the Covenant, ſatisfying in Religion, and giving a ſatisfactory Anſwer to the reſt of the whole Propoſitions preſented to Him in name of both Kingdoms. Beſides it is to be Declared, that His Majeſty will not be admitted to come to* Scotland, *where though He were, His Regal Function would be ſuſpended, and even His Royal Perſon at leaſt be put under Reſtraint, if not delivered up to the Parliament. While we were on theſe Debates, the incloſed Warning was preſented to the Parliament by the Commiſſion of the Kirk, which though you may think poſſibly high, yet really it is very moderate in regard of theſe Motions have been in Publick; for now all Private Meeting is quit by us in relation to His Majeſties Perſon, which certainly will not only not be admitted to come into* Scotland, *but a joynt Courſe will be taken by both Kingdoms for keeping him in Reſtraint in* England. *And you may be confident, that will certainly be carried in deſpight of thoſe that will oppoſe it. And to prepare us the better, before we come to a Reſolution, we are to morrow to have a kind of Faſt, and hear two Sermons in the Morning, (according to our Cuſtom at St.* Andrews *before the Executions) and the reſt of the Day is to be imployed in taking a Final Reſolution; which (without all peradventure) will be, to ſend Commiſſioners to His Majeſty, to demand the whole Propoſitions, (for Religion will not ſatisfie) and to ſettle both Kingdoms without His Majeſties Regal Authority, and impriſon His Perſon in* England, *for He will not be admitted to come to* Scotland. *This I thought fit to ſhew you, from others you will hear what hath been every mans particular Carriage in the Debates; and our future Actions, though they prove not uſeful to His Majeſty, yet ſhall witneſs to the World and Poſterity, how we deteſt ſuch Reſolutions. However I ſhall boldly ſay, that ſome who profeſſed at their parting from His Majeſty, as much if not more than I did, and for ought I know were more truſted, have this day ſhewed themſelves to the World in their natural colours; for truly I never remember to have ſeen any thing carried with ſo much violence and bitterneſs, as the Reſolution of not ſuffering His Majeſty to come to* Scotland, *our Declaring it unlawful to eſpouſe His Intereſt, and the fitneſs of Reſtraining His Perſon in* England. *I dare not adviſe any thing, only this, whatſoever His Majeſty intends to do, I wiſh it be done quickly, and I dare ſay upon my Honour, within few days He will not be maſter of Himſelf, nor His Reſolution; and then*

I doubt

I doubt his Offers will come too late. I ſhall conclude, you never ſaw the Scream ſo ſtrong in Scotland, *nor ſo deſperate an Affliction, as doth now poſſeſs the heart of* An. 1646.

Your moſt humble Servant,

LANERICK.

And with this long account he wrote to His Majeſty what follows.

SIR,

I Shall not preſume to trouble Your Majeſty with the ſad relation of our Carriages here theſe laſt two days; the Particulars will be repreſented to You by others. Only give me leave to beg, that what Your Majeſty intends to do be quickly done, for our Reſolutions here will be ſudden and ſharp. Whatſoever other mens Carriage be, I am reſolved to die rather than concur with them. This is the fixed Reſolution of

Your Majeſties moſt humble,
moſt faithful, moſt obedient
Subject and Servant,

LANERICK.

Edinburgh 17th Decemb. 1646.

Now were the two Brothers, according to the variety of their tempers, ſwallowed up with the exceſſes of Paſſion. The Duke was all Melancholy and Deſpair, and *Lanerick* was full of Fury and Rage. But ſay or do what they could, all was in vain. One rare inſtance of the Kings temper appeared at this time, for after he had got this account, which brought him ſuch ill tidings, he took no notice of it to thoſe about him, but continued in a Game at Cheſs, and was as chearful as before. He was at that time thinking of making an eſcape from *Newcaſtle* by Sea, but whither he intended to have gone, does not appear to the Writer: to that *Lanerick*'s Letters do relate, when they preſs his ſpeedy reſolving on what he intended. The deſign was thus laid. Mr. *Murray* had provided a Veſſel by *Tinmouth*, and Sir *Robert Murray* was to have conveyed the King thither in a diſguiſe; and it proceeded ſo far that the King put himſelf in the diſguiſe, and went down the back-Stairs with Sir *Robert Murray*. But His Majeſty apprehending it was ſcarce poſſible to paſs through all the Guards without being diſcovered, and judging it hugely undecent to be catched in ſuch a condition, changed His Reſolution, and went back; as Sir *Robert* informed the Writer. This came to be known to ſome: and one ſuſpecting the Duke was in it, wrote to him earneſtly to concur in no ſuch deſign, and that the Kings getting out of their hands again would ruin all; that no man of Honour and Conſcience ought to ſerve the King, ſince he would not ſerve God according to the Covenant: adding, that it ſeemed God had no mercy for the King or His Family, ſince His Heart was ſtill ſo hardned in the matter of the Covenant; ſo high-flown were men at that time.

The Duke and *Lanerick* oppoſe things as much as they can, but in vain.

An. 1646. At *London* things went on with great diſpatch: for the Retiring of the *Scotiſh* Army another hundred thouſand pounds ſterling was Voted to be paid preſently, and other two hundred thouſand pounds to be raiſed out of the Sale of Biſhops Rents, and Delinquents Eſtates; whereupon it was agreed, that the Army ſhould return to *Scotland* upon the delivery of the Mony, which was immediately to be ſent down to *Newcaſtle.*

In *Scotland* upon the evening of the next day, after the Faſt mentioned in the Earl of *Lanerick*'s Letter, theſe infamous Reſolutions, ſet down in his Letter, were Voted; and all that could be ſaid by the two Brothers, or any few of their Friends who adhered to them, had no other effect but to drive it off a few minutes, the Tide made ſo ſtrong the other way. The King at this time was much preſſed both by the Queen from *France*, and by *Believre* the *French* Ambaſſadour, to conſent to their Demands; but all was to no purpoſe, and my Lord *Lanerick*'s laſt Letter prevailed no more than the former.

Moſt Sacred Soveraign,

Lanerick writes again to the King.

BY *Monſieur* Montrevil, *I received Your Majeſties of the* 14th *Inſtant, and do humbly acknowledge Your Gracious Reception of the Freedom I uſed in my former Letter. And now when Your Majeſty doth ſee to what a height the Publick Reſolutions here are grown, Your Majeſty will ſoon find how juſt my Fears were, that Your intended Anſwer to the Propoſitions of Peace, if publiſhed here, would have received no Countenance nor Aſſiſtance hence, Satisfaction in Religion being ſtill waved; without which as then, ſo I have always aſſured Your Majeſty, there would be an abſolute impoſſibility of preventing Your receiving eminent Prejudices from this Country. I ſhall not preſume to reply to the Anſwers Your Majeſty makes to the Objections were made here (for I did not then ſpeak mine own Language) againſt Your Anſwer to the Propoſitions: I never laboured to perſwade Your Majeſty to grant them, from a ſenſe of their Juſtneſs, but only out of an opinion of their fitneſs in relation to Your preſent Condition, which (by what Your Majeſty will learn from the Bearer) is more threatning now than ever. I know the repreſentation of Your Danger, in what horrid ſhape ſoever it may with Reaſon lie before You, will be as impertinent an Argument as any: yet though Your Majeſty ſhould neglect it in reference to Your Self, pity Your hopeful Children and Poſterity, pity Your Subjects, and ſuffer us not to ruine our ſelves, which the Confuſions we are running into will certainly bring upon us; and pity all thoſe who have ſuffered for You, who will be expoſed to certain Ruine. All poſſible means have been uſed in a Parliamentary way, which is the only mean left to prevent the extreme Reſolutions that are now taken: but all is to no purpoſe, our beſt Friends forſake us upon any Motion, which may infer the leaſt Latitude about the Covenant and Religion; and therefore as in the preſence of God I muſt diſcharge my ſelf to Your Majeſty, and ſhew you the Reſolutions now taken here in relation to the reſtraining of Your Majeſties Perſon, and Governing the Kingdom without You, will be infallibly put in execution, if Your Majeſty does not ſatisfie in the Covenant and Religion to the full, as it is demanded: neither will it be in the power of any in this Kingdom to prevent Affronts and Danger to Your Majeſties Perſon, if You ſhould have any thoughts of coming hither. Sir, I take God to witneſs,*

neſs, I write this with a ſadder heart than I would receive a ſentence of Death againſt my ſelf, and ſhall grieve more at the performance of that, than I ſhould at the execution of this upon An. 1646.

Edinburgh, December 22th 1646.

Your Majeſties moſt humble, moſt faithful, moſt obedient Subject and Servant,

LANERICK.

His Majeſties laſt Meſſage was preſented to the *Scotiſh* Parliament, on the 23th of *December*, by the Earl of *Lanerick*, and backed by him with the warmeſt language that he could uſe; but nothing that was new being offered by it, a Compliance with it was not to be expected. His Majeſties Meſſage rejected in *Scotland*, and at *London*.

It was alſo ſent to *London*, and firſt preſented to the Houſe of Peers, whereat all, even thoſe who were beſt-affected, hung their Heads, and ſent it down to the Houſe of Commons without a word; and there it met with the ſame Entertainment. The next Debate was about the Kings Perſon, and the mildeſt opinion was, that He ſhould be kept Priſoner, ſome being for the excluding Him for ever from the Government. And for the place of His Reſtraint, ſome were for His ſtay at *Newcaſtle*, but it was carried that He ſhould go to *Holmby*. And this paſſed without communicating it to the *Scotiſh* Commiſſioners. But when He was ordained to be kept in Safety for His Perſon, *Henry Martin* objected, that the King had broken the Peace, and why muſt the Parliament bind for His Safety? Some moved to preſerve His Perſon according to the Covenant, and it was carried, which was thought a great point. For now it was eſteemed, that the Covenant was that which muſt preſerve the King, though His Ruine had been formerly imputed to it.

In the end of the year the *Scotiſh* Commiſſioners parted from *London*; and it being moved in the Houſe of Commons, to ſend ſome with a Complement to them before they went, with the Thanks of the Houſe for their *Civilities and good Offices*, thoſe of the *Independent* Cabal argued much againſt that, of *good Offices* done by them, and reckoned many bad ones ſince the King went to *Newcaſtle*; and it being put to the Vote, it was carried by 24 Votes, to daſh out *good Offices*, and only thank them for their *Civilities*. And ſo all thoſe Noble Characters they were wont to give of the *Scotiſh* Commiſſioners, upon every occaſion, concluded now in this, that they were *well-bred Gentlemen*.

Thus ended this preſent year, but none ſaw an end of miſeries like to come.

An. 1647.

Anno 1647.

Commiſſioners are ſent to the King from *Scotland.*

IN the beginning of the next Year Commiſſioners were ſent from the Parliament of *Scotland*, to repreſent their late Reſolutions to His Majeſty. On the 12th of *January* they preſented their firſt Paper, wherein they laid out all they could deviſe, for the preſſing a ſatisfactory Anſwer to the Propoſitions; *expreſſing with what earneſtneſs all Men were waiting for it, and that it would be received with more Joy than had been ever ſeen at any Coronation in* England. But after they had delivered this Meſſage, and the 14th day was come, wherein the King promiſed His Anſwer, He told them, He muſt be reſolved of two things before He could give His Anſwer. *The firſt was, if He was a Free-man or a Priſoner? adding, That if He were a Priſoner, it was the opinion of many Divines, that Promiſes made by a Priſoner did not oblige, though He did not aſſert that to be His own ſenſe: the next was, whether He might go to* Scotland *with Honour, Freedom, and Safety, or not?* They declined long to give an Anſwer, and in that Debate three hours were ſpent; at length being put to it, they delivered all their ſevere Meſſage in the following Paper.

May it pleaſe Your Majeſty,

And deliver the Votes of the Parliament.

WE *are commanded by the Parliament of* Scotland, *to repreſent to Your Majeſty the many Inconveniencies will enſue upon Your Majeſties Denial, or Delay of Granting the Propoſitions concerning Religion and the Covenant, and not giving a ſatisfactory Anſwer to the remanent Propoſitions; and particularly to repreſent the Prejudice will thereby ariſe to the true Reformed Proteſtant Religion abroad, and to the Reformation of Religion in theſe Kingdoms, the Danger of Your Majeſties Perſon, and to Your Own and Poſterities Government.*

II. *If Your Majeſty (not granting the Propoſitions concerning Religion and the Covenant, and not giving ſatisfactory Anſwers to the other Propoſitions) ſhall relinquiſh* England, *we are commanded by the Parliament of* Scotland *to repreſent to Your Majeſty, That in that caſe they find it unlawful for them to aſſiſt Your Majeſty for Recovery of the Government, Your Majeſty not granting the Covenant and Propoſitions as aforeſaid.*

III. *We are commanded by the Parliament of* Scotland *to repreſent to Your Majeſty, That they find Your Majeſties Coming to* Scotland (*not granting the Propoſitions concerning Religion and the Covenant, and not giving a ſatisfactory Anſwer to the remanent Propoſitions*) *dangerous to the Cauſe, to Your Majeſty, to Your Native Kingdom, and to the Union betwixt* Scotland *and* England, *and that the Kingdom of* Scotland *will be neceſſitated to take Courſe to prevent Your Coming.*

IV. *Both Kingdoms will take Courſe for diſpoſal of Your Majeſties Perſon, until ſuch time as Your Majeſty grants the Propoſitions, or otherwiſe agree with Your Majeſties Parliaments.*

V. *We are commanded to make known to Your Majeſty, that until Your Majeſty grant the Propoſitions in manner fore-ſaid, or that ſome Courſe be reſolved by both Kingdoms concerning the diſpoſal of Your Majeſties Perſon, Your Majeſty cannot be admitted to come or remain in* Scotland *with Freedom.*

dom. And in caſe Your Majeſty do come, we are commanded to repreſent to Your Majeſty, That the Kingdom of Scotland *will be neceſſitated to put ſuch Attendants and Guards about Your Majeſties Perſon, as may preſerve You in Safety, and Your Kingdoms in Peace, and may prevent all Tumults, Inſurrections, and Gatherings of Malignants.* An. 1647.

We are further warranted to repreſent to Your Majeſty, That if You do not grant the Propoſitions concerning Religion and the Covenant, and give a ſatisfactory Anſwer about the remanent Propoſitions, the Kingdom of Scotland *will be neceſſitated to continue the Government without Your Majeſty, as hath been done theſe years by-paſt.*

Newcaſtle 14th January, 1647.

But the Anſwer they got ſhewed, that the King could not be threatned to the Doing of any thing He judged contrary to His Honour or Conſcience. His Majeſties Anſwer being returned back to *Edinburgh* on the 16th of *January*, which was *Saturday*, it was debated in Parliament, what ſhould be done with His Majeſties Perſon. All inclined to deliver Him up immediately to the *Engliſh* Parliament; at which Propoſition the Duke and his Brother expreſſed their horrour, with language ſo full both of Reaſon and Affection, that nothing but violent and enraged Paſſion could have reſiſted it.

The King ſtands firmly to His Conſcience.

It is reſolved to deliver up the King, which the Duke and *Lanerick* much oppoſe.

They ſaid, *Would* Scotland *now quit a Poſſeſſion of* 1500 *Years Date, which was their Intereſt in their Soveraign, and do it to thoſe whoſe Enmity both againſt Him and them did now viſibly appear? Was this the effect of all their Proteſtations of Duty and Affection to His Majeſty? Was this their keeping of their Covenant, wherein they had ſworn to defend the Kings Majeſties Perſon and Authority? Was this a ſuitable return to the Kings Goodneſs, both in his conſenting to all the Deſires of that Kingdom,* An. 1641. *and in His late truſting His Perſon to them? what Cenſures would be paſt upon this through the whole World? what a Stain would it be to the whole Reformed Religion? and in fine, what Danger might be apprehended both to the Kings Perſon, and to* Scotland, *from the Party that was now prevalent in* England.

But notwithſtanding all this, the Queſtion was put in theſe words, Whether they ſhould leave His Majeſty in *England* to the Two Houſes there or not? ſo ſoftly did the prevailing Party preſent that infamous Buſineſs to the Vote of the Parliament. The Dukes Vote was ſuitable to his Diſcourſe and Temper, being a Negative uttered with much grave and deep Sorrow; but I ſhall ſet down *Lanerick*'s in the formal terms wherein he expreſſed it; *As God ſhall have mercy upon my Soul at the Great Day, I would chuſe rather to have my Head ſtruck off at the Market-croſs of* Edinburgh, *than give my conſent to this Vote.* The Earl of *Lindſay*, now Earl *Crawford*, was Preſident, and ſo could not debate: but as in the ſtating the Vote he expreſſed much honeſt Zeal, ſo when it was carried in the Affirmative, he diſſented from it, and to him thoſe who had voted in the Negative did adhere. But ſome of their Friends were accidentally abſent, others on deſign, and ſome downright deſerted them; ſo that though there were divers who diſſented, yet they were far ſhort of being able to ballance the Vote. When all this was done, *Lanerick* with a deep Groan ſaid, *this was the blackeſt* Saturday

that

An. 1647. *that ever* Scotland *ſaw*, alluding to a great Eclipſe that was many years before on a *Saturday*, from which it was ſtill called the *Black Saturday*.

This being ſent to the Commiſſioners at *Newcaſtle*, did not at all ſhake His Majeſty, he being reſolved not to yield to that, no not at *Holmby*, which He had refuſed at *Newcaſtle*.

The King is delivered, and ſent Priſoner to *Holmby*.

In the end of the Month the *Engliſh* Commiſſioners and Forces came down, and the Arrears for the payment of the Army being delivered, the *Scotiſh* Army withdrew, and left the King in the hands of the *Engliſh*, who preſently ſent him to *Holmby*.

And this is a free and faithful Relation of that great Tranſaction, only in invidious Paſſages I have ſpared the Memories and Families of the unhappy Actors.

which is variouſly cenſured.

It was preſently the matter of Diſcourſe and Cenſure of Chriſtendom, and brought an Infamy on thoſe who acted it, which though an Indempnity could pardon, yet no Oblivion was able to deface. It was thought ſtrange, ſince the King had truſted himſelf to *Scotland*, that they ſhould have thus deſerted Him. What grounds *Montrevil* had for giving the King thoſe Aſſurances, did not appear; and certain it is, they were very ſlight ones, and were only from ſingle Perſons, but not from any *Junto* or Judicatory.

But generous minds thought the Kings frank caſting Himſelf into their hands, was an Obligation beyond any Engagements they could have given. And it was thought ſtrange madneſs in thoſe of *Scotland* to do it at that time, ſince they ſaw the *Independents* prevailing, whoſe Deſigns againſt the Kings Perſon and Monarchy had been faithfully diſcovered to them by ſome of their Commiſſioners at *London*, and who were as little Friends to the Covenant and Presbytery as the King himſelf was; ſo that conſidering their Power, ſuch a Strengthening of them brought Religion under a hazard of another nature, than could have been apprehended upon their Accepting of the Kings Conceſſions. But the Contradiction that this courſe had to the Covenant, was ſo plain that none could avoid obſerving it; for to make their King a Priſoner, was an odd Comment upon their Defending of His Perſon and Authority: and to do all that becauſe he would not force his Conſcience, was judged a ſtrange Practice from thoſe, who had ſo lately complained heavily againſt any appearance of Force upon Tender Conſciences.

Theſe were the Cenſures that generally paſſed on that Tranſaction: the Kings ſtifneſs was alſo very much condemned, and moſt men not underſtanding the ſtrictneſs of a Tender Conſcience, thought it was Humour that ſwayed Him, and judged that in the poſture Affairs were then in, He ſhould have yielded to any thing, how unreaſonable ſoever, rather than have ſo expoſed Himſelf, His Poſterity, and His Kingdoms, to ſuch viſible hazards; reckoning that no Form of Government that ever was, deſerved to be ſo firmly adhered to. All perſons looked for diſmal effects from theſe Reſolutions, few thinking the Friendſhip betwixt *Scotland* and *England* would be laſting: and all apprehended ſome ſtrange Curſe would overtake thoſe who were active in this infamous Buſineſs.

Amidſt theſe greater Reflections, there were ſome who ſuſpected the Duke had not acted in that Affair with that Candour and Zeal He expreſſed: and this was chiefly founded on the baſe Votes of ſome of his Friends,

Friends, chiefly of one who had ſerved him, but was then a Lord. But as the tract of this Account hath cleared the whole Progreſs of his Negotiation, ſo the viſible affliction of his Mind, which drew after it a great indiſpoſition in his Body, did abundantly refute theſe Calumnies. And indeed that great Mind which did not ſuccumb under the hardeſt Trials, when it imployed its utmoſt ſtrength, was now reduced to the moſt pinching Straits, and almoſt to deſperate Reſentments; ſo that he repented his Stay in *Scotland*, ſince he foreſaw nothing but imminent Ruine to King and Country: yet His Majeſties opinion of his Zeal and Affection to His Service, was at this time proof againſt all Whiſpers, which appears by the following Letter. *An.* 1647.

Hamilton,

I Know it were needleſs to recommend this Bearer Will. Murray *to you, but that his Perſecution at this inſtant for My ſake is ſuch, that in a manner it even extorts theſe lines from Me, to tell you that your hearty and real dealing to procure his waiting upon Me, is a good occaſion, which I am confident you will not let ſlip, to ſhew your conſtant zealous Affection to*

Newcaſtle 29th January, 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

Now it was that genuine Melancholy and Horrour dwelt in all the Dukes thoughts, his Brother was too deeply prepoſſeſſed with the like apprehenſions to miniſter much Comfort to him; only he preſſed him not to give way to languiſhing Sorrow, but to ſee what could be done for ſetting things right again; and for infuſing that ſenſe of Shame and Horrour in all People for the late Action, which might prepare them to a Noble Reparation of it by a generous Engaging in the Kings Quarrel. And upon this much pains was taken to infuſe Jealouſies of the *Independents* in the minds of the Kirk-men, though there were other violent perſons as careful to refute them. The Duke contrives how to turn *Scotland* to the Kings Service.

Moſt of this Year was ſpent in poſſeſſing all mens Minds with theſe Apprehenſions, ſo preparing them for what they deſigned to execute upon the firſt Opportunity. The Duke and the Earls of *Lauderdale* and *Lanerick* were they, who united moſt cloſely and cordially for the contriving and proſecuting of that Deſign. The King was Priſoner at *Holmby*, without any other Liberty ſave that of taking the air ſometimes: all his Servants were denied acceſs to him, and ſo cruel was the zeal of his Enemies that it reached to his Soul; for they refuſed liberty for his Chaplains to wait on him, a favour not denied to the worſt of Malefactors: but God was his Refuge, who ſupported him in all his Sufferings and Solitudes. The Two Houſes wrote to the Committee of Eſtates in *Scotland*, that they ſhould take ſuch a joynt Courſe with them, as might tend moſt to bring things to a happy Peace.

An. 1647. But now the Jealouſies betwixt the Parliament and the Army begun to grow viſible and above board, for the Presbyterian Party in the Parliament ſaw their Error too late; moſt of them ſeemed to have intended the Kings Good, only they were miſtaken, in Judging that the Parliament, in which they were moſt numerous, would never be diſobeyed by the Army: but being diſappointed in this, they ruined all, their confidence in their Power in Parliament having been the cauſe why they let the *Scotiſh* Army go home, for till they were gone, the *Independents* crouched under them, and trepanned them into Severities againſt the King, and the Diſmiſſing of the *Scots*; who were no ſooner gone, but the Army acted what had been before projected, but moſt induſtriouſly concealed from the Presbyterians.

Diſorders riſe in *England.*

Lauderdale is ſent to *England.*

In *April* the Earl of *Lauderdale* was ſent from *Scotland* to *London*, to inſiſt on the motion for a Settlement with the King, and chiefly to hinder the adding of any new Propoſitions; and he was alſo Inſtructed to deal for a permiſſion to the Duke and the Earl of *Dumfernline* to go and ſerve the King in his Bedchamber. But the Earl of *Lauderdale* found matters in great confuſion at *Weſtminſter*, for the chief thing thought on was the Disbanding of the Army, which was an unneceſſary Burden to the Kingdom, many grounds of Fear appearing, that their Deſigns were to keep themſelves up, and govern the Nation by a Military and Arbitrary Power: therefore ſuch as were beſt-affected, judged it neceſſary once to diſband them, before they engaged in a new Treaty with the King. But for that private Propoſition concerning the Duke and *Dumfernline*, the Earl of *Lauderdale* ſeeing it would not take, becauſe there was not a Family yet ſettled about the King, nor could it be expected that any from *Scotland* would be the firſt they would ſet about His Majeſties Perſon, did not preſent it: and indeed the Duke's late Behaviour in oppoſing the Delivery of the King, had forfeited his Credit with thoſe of *England* then in Power. But it is not my meaning to go on with a regular Hiſtory of the irregular Tranſactions that paſt in *England* this Year: I ſhall only ſay ſo much of them, as will make appear what reaſon the *Scots* had for their Proceedings, and to clear what may have relation to the Dukes Concerns.

In the middle of *May* the King ſent a new Meſſage to the Parliament of *England* in order to a Treaty: but his Offers were the ſame (upon the matter) they had been at *Newcaſtle*, and ſo not like to take; and the Two Houſes were then buſied about Diſbanding the Army. They therefore ordered the Army to be diſbanded, and ſome of the Forces they kept up to be ſent over to *Ireland*; and all Satisfaction being offered, the time of their Diſbanding was named. But the Ring-leaders of the Army diſpoſed them to mutiny againſt the Parliament, upon pretence of want of Satisfaction in matter of Money, and Reparation in point of Honour; ſo the Army drew to a Body, and erected a Court who were called the *Agitators*. Mean-while *Cromwel* puts his Party in the Houſe of Commons, on the Recalling of their Declarations againſt the Army, and goes to the Army, though his Commiſſion was expired. More Money was offered to the Army, but nothing was accepted; only divers of the Presbyterian Officers ſubmitted, and ſubſcribed for *Ireland*, whereupon they were by the prevailing part of the Army diſbanded. And the Army to make a ſure game for their Party, ſent one *Joice* (a Taylor by Trade, but now a Cornet by his Employment)

The Army refuſes obedience to the Parliament,

and takes the King from *Holmby.*

ment) to *Holmby*, who came at twelve a clock at night, and forced the King to go with him againſt his will. Upon which the Earl of *Lauderdale* emitted a Declaration, in Name of the *Scotiſh* Nation, againſt that Force put on the Kings Perſon, contrary to all their Treaties and Declarations; and demanded that His Majeſties Perſon might be preſently ſet at Liberty, and brought with Honour, Freedom, and Safety, to ſome of His Houſes in or about *London*: and after that he went to *Newmarket* to wait on the King, who was there with the Army. But the Army begun to abuſe His Majeſty into ſome Confidence in them, and uſed Him at another rate than had been done at *Holmby*. They gave free acceſs to all His Servants to come to Him; they allowed His Chaplains to attend about Him, and ſerve in their Office according to the Liturgy, and permitted Him free Correſpondence with the Queen, and every body elſe: and in their Diſcourſes intimated their willingneſs to lay aſide the Covenant, and allow the Toleration of Epiſcopacy and the Liturgy; all which, though ſmoothly ſaid, was meant to cajole Him to his Ruine. Aſſoon as His Majeſty was at Liberty, He wrote the following Letter to my Lord *Lanerick*.

An. 1647.

And uſe Him civilly.

Lanerick,

THe preſent condition of My Affairs is ſuch, that I believe you and your Brother may do Me better Service at London *than where you are; therefore I deſire that both, or at leaſt one of you, would come up aſſoon as you could: the reſt I leave till meeting, and ſo farewel.*

He writes to *Lanerick*.

Newmarket 22th *June* 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

To this my Lord *Lanerick* wrote this Anſwer.

Sir,

YOur Majeſties Letter of the 22th *of* June *had been immediately obeyed, if our Stay here for ſome time had not been conceived of more uſe to Your Majeſties Service. Your condition is ſo variouſly repreſented here, that Your faithfulleſt Servants know not how to carry themſelves; therefore the intimation of Your Majeſties Own Pleaſure would be of great uſe. No ſooner ſhall the temper of People here (which for the preſent is ſtrangely inflamed) be any thing allayed, than one, or both of us, You commanded, ſhall attend You according to the Duty of*

Lanerick's Anſwer.

Your Majeſties moſt humble, moſt faithful, moſt obedient Subject and Servant,

LANERICK.

An. 1647. His Majeſty upon that wrote what follows.

Lanerick,

The Kings account of the uſage he had in the Army.

IT is impoſſible for Me at preſent to give a Categorical Anſwer to your (I confeſs) neceſſary Queſtion: all I can ſay is, that I am now at much more Freedom than I was at Holmby; *for My Friends have free acceſs to Me, My Chaplains wait upon Me according to their Vocation, and I have free Intelligence with My Wife, and any Body elſe whom I pleaſe, all which was flatly denied me before: beſides, the Profeſſions are much more frank and ſatisfactory to what I deſire, of this Army, than ever was offered by the* Presbyterians. *And truly, if theſe People rightly underſtood their own Condition and Intereſts they muſt do what they profeſs, which is, that King, Parliament, and People, may each have reſpectively what is their own; and yet it muſt be their Actions, not Words alone, which ſhall make Me put Confidence in them.*

Hitherto they have made Me no particular Offers, though daily preſſed by Me; but aſſoon as I can clearly ſee through their Intentions, one way or other, I will not fail to advertiſe you with My Commands thereupon. In the mean time, having truly, though ſhortly, ſet you down the true eſtate of My preſent Condition, I leave you to judge, and do what you ſhall find beſt for My Service. So I reſt

Caſam 12th July
1647.

Your moſt aſſured, real,
conſtant Friend,

CHARLES R.

POSTSCRIPT.

I have intruſted this truſty Bearer with ſeveral Particulars, which I thought too long for a Letter.

And the day after that he wrote again.

Lanerick,

THis is, firſt, to recommend this honeſt Bearer to your Care, to further him in paſſing of thoſe ſmall Favours I have beſtowed upon him; next, that you would do your beſt, for the relief of thoſe Gordons *who were lately taken; both which as to you*

were

were needleſs, but that I know it is fit for Me at all occaſions to expreſs the Care I have of thoſe that wiſh Me well. So farewell. An. 1647.

Caſam 13th July 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

POSTSCRIPT.

Send me word if you have yet remembred your Promiſe to Me concerning the late Archbiſhop of St. Andrews *his Book.*

To which my Lord *Lanerick* wrote this Anſwer.

May it pleaſe Your Majeſty,

YOurs of the 12th *I received yeſterday. We are joyed for what you write of the Civilities you met with, but are full of doubts and fears of their Continuance, eſpecially ſince we are informed, that notwithſtanding all Publick Profeſſions, ſtrange Demands are preparing to be offered to Your Majeſty. I ever hated thralling of Conſciences, yet I ſhall be ſorry, there were no other price of Spiritual Freedom than Your Majeſties loſs of all Temporal Power. This Kingdom will be eaſily induced to venture their Lives for the laſt, but none will hazard the firſt; ſince they will not declare for Your Majeſty, but clogged with the Covenant. It was thought fit to delay all Reſolutions untill the* 5th *of* Auguſt *next, expecting againſt that time, either from the nature of the Demands we hear are now to be made to Your Majeſty, or from the carriage of the Army to Your Sacred Perſon, grounds will be given either to reſt ſatisfied, or to reſent it as becomes Loyal Subjects. It is wiſhed Your Majeſties true Condition and poſitive Pleaſure may be made known (from Your Self if poſſible) againſt that time, when certainly the ſenſe both of this Church (ſeeing the General Aſſembly will be then ſitting) and State upon the preſent Differences in* England, *as they have relation to, or can have influence upon* Scotland, *will be made known. It is wiſhed Your Majeſties Prudence may prevent further Prejudice, by going at firſt the full length You intend, in granting what Conditions ſhall be demanded; or if You find them abſolutely deſtructive to You, to put Your Self in that Condition, that our Perſons and Lives may be of uſe to Your Majeſty, which ſhall be the conſtant care of*

Lanerick's Anſwer.

Edinburgh 21th July, 1647.

Your Majeſties moſt faithful, moſt loyal, moſt obedient Subject and Servant,

LANERICK.

POST-

An. 1647.

POSTSCRIPT.

I have not as yet been able to put Your Commands in execution concerning the Biſhop of St. Andrew's *Book, in regard the Copy I have is both incorrect, and wanting in many eſſential things; but I have already taken a Courſe to have that ſupplyed from a true Copy of the Original, now in the poſſeſſion of our Commiſſioners at* London.

His Majeſties Anſwer follows.

Lanerick,

YOurs of the 21th Inſtant I received yeſterday, having before reſolved to have written to you, though I had received none from you, to ſhew you from time to time what My Condition is. And yet for eaſing My pains, I have thought fit to refer you to the Bearer John Chiſley, *to tell you the true State of Affairs, with My Opinion thereupon, to whom I have largely and fully ſpoken My Mind: wherefore I will only ſay this one word, that whatſoever you reſolve on, you muſt not think to mention (as to* England*) either Covenant or Presbyterial Government; for it will ruin you, and do Me no good, experience of which was clearly ſeen at* Newcaſtle. *So deſiring you to truſt this Bearer, I reſt*

Wooburn 27th July, 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

The Army forces the Parliament.

The Army drew nearer *London*, declaring they came to reſtore the King, and to reform the Parliament. This was Popular, and took with many, wherefore the Parliament, to undeceive both King and People, Voted His Majeſties coming to *Richmond* for a Perſonal Treaty, and that the Army ſhould not come within thirty miles of *London*. But the Army refuſed obedience, and carried the King with them, and ſent threatning Meſſages for Recalling of thoſe Votes: and they deſigned next to model the Two Houſes; whereupon a frivolous general Charge was drawn againſt 11 of the moſt conſiderable Members, who withſtood their Deſigns, and they preſſed their Suſpenſion from the Houſe. But it was Voted in Parliament to be againſt Law, to ſuſpend any Member upon a general Charge, without bringing in, and proving ſpecial matter. And the Two Houſes did chooſe a Committee of Safety to Treat with the City of *London*, for Raiſing a new *Militia* for their own Security, and ſome of the Trained Bands were drawn together under Presbyterian Officers. Upon this the Army came to *London*, forced the Houſes to recall their Votes, and diſband their Forces, and drove away the eleven Members. And thus having over-awed both

both Parliament and City, they began to levy new Forces: but aſſoon as they withdrew from *London*, the Citizens of *London* came in great numbers to *Weſtminſter*, and petitioned to have their *Militia* ſettled again according to their former Votes; which being granted, the Parliament next day was at liberty, and the Secluded Members returned. About the end of *July*, the Earl of *Lauderdale* going to wait on His Majeſty, who was then at *Wooburn*, was not only hindred acceſs, but by the Violence of the Souldiers carried away; and ſay or complain what he would of the Violation of the Treaty with *Scotland*, and the Law of Nations, by that Affront put upon a Publick Miniſter of another Kingdom, he could not prevail, but was forced to be gone. After this the King was Voted to come to *London*. But the Army, inſtead of Obedience, came thither again, and by the interpoſition of ſome treacherous People got the City ſurrendred to them: whereupon they marched through it in Triumph with Lawrels in their Hats, and came to *Weſtminſter*, bringing with them the two Speakers, and ſome other Members of their Party, who had run away from the Parliament, pretending Fear, though no appearance of it had been in the Proceedings of the Parliament. *Fairfax* was declared Captain-General of all *England*, Conſtable of the Tower of *London*, and Commander of all the Gariſons, and then they fell to the Purging of the Houſe. And beſides the forcing the eleven Members to flee, ſeven of the Lords were alſo impeached; and all Orders that paſt in the abſence of the Speakers were repealed; yet this was not carried but upon a fortnights Debate. Divers of the City of *London*, with the Mayor and ſome Aldermen, were likewiſe charged and impriſoned: and all this was upon a general Accuſation of their deſigns to raiſe a new War. *An.* 1647.

Thoſe in *Scotland* being advertiſed by their Commiſſioners of all that paſſed, failed not to make good uſe of it, to ſtir up the Affection and Duty of all to appear for His Majeſty; which prevailed generally, and even the Miniſters begun both from their Pulpits, and by their Remonſtrances, to complain of the Prevailings of the Sectarian Party, and of the Force that was put on the Kings Perſon. But the old language of the *Covenant* and *Presbytery* was ſtill in their mouths; yet all were pretty forward for a real Reſentment of the late Diſorders in *England*. Only Mr. *George Gilleſpie*, who was indeed of good parts, but bold beyond all meaſure, withſtood theſe Inclinations, and repreſented, that the greateſt Danger to Religion was to be feared from the King and the Malignant Party. He was ſuſpected of correſpondence with the Sectaries, which ſome Letters in my hand written in Cypher give good grounds to believe. Certain it is that he proved a very ill inſtrument, and marred that great Deſign, by which all former Errors might have been corrected. Thus as the Duke and his Friends deſigns began to appear, there was a violent Party no leſs careful to withſtand them. Therefore it was not judged fitting the Duke ſhould leave *Scotland*, his Service in it being greater than any he could do in *England*: beſides, his being a Peer in *England*, made him more obnoxious to their fury than any other *Scotchman* could be. But His Majeſties Conceſſions about Religion pinched them much, and the Liberty offered to Tender Conſciences did very much diſguſt the *Scotiſh* Clergy; for in *Scotland* a Toleration was little leſs odious than Epiſcopacy, and nothing but *Presbytery* would ſatisfie them. This is reſented in *Scotland*.

In

An. 1647. In the end of *Auguſt* they ſent Mr. *Leſley* to His Majeſty, to repreſent the State of Affairs in *Scotland*, according to the following Inſtructions.

The Duke ſends a Meſſage to the King.

I. *YOu ſhall ſhew what Endeavours have been uſed to incenſe this Kingdom againſt the Proceedings of the Army under the Command of Sir* Thomas Fairfax: *witneſs* George Windram's *Relation, the Declaration of the General Aſſembly, and the Voice of the daily cryes from the Pulpit.*

II. *You ſhall repreſent what Induſtry was uſed to precipitate a preſent Engagement, upon the grounds of the Covenant; and for Settling Presbyterial Government in* England, *who were the preſſers, and who were the oppoſers of it.*

III. *You ſhall ſhew what Pains were taken by the moderate Party here, to procure the ſending of Commiſſioners to His Majeſty and the Parliament, thereby to procraſtinate and delay all Reſolutions, till their return, or a report from them; which will probably conſume the reſt of this Summer, and for this Year prevent a new War, except upon eminent advantage.*

IV. *You are therefore to repreſent how neceſſary it is for preventing Prejudices from hence, that a free Paſſage and all other Encouragements be given to thoſe who are now to be employed; if that ſhall be refuſed, or the Law of Nations in their Perſons violated, a Breach betwixt the Kingdoms cannot be longer prevented.*

V. *You ſhall ſhew, that if it had not been for His Majeſties Commands to the Moderate Party here, a* Scotiſh *Army had e're this time been in* England; *which ſo long as His Majeſty is well uſed, they are hopeful to prevent, but if His re-eſtabliſhing be delayed, a greater Army than ever* Scotland *raiſed will own His Quarrel.*

VI. *You ſhall ſhew, that the Inſtructions now given to our Commiſſioners, who Treat with the Parliament, are only Generals; the chief whereof is, That His Majeſty be again invited to come to* London *with Honour, Freedom, and Safety; the delay whereof is exceedingly ill taken here, and nothing would give ſo general ſatisfaction to this Kingdom, nor more ſtop the mouths of Incendiaries than that His Majeſty were ſo at* London.

VII. *You ſhall ſhew, that the Meſſage that was to be ſent to His Majeſty, was only to repreſent to Him the conſtant Affection of this Kingdom, their longings to ſee Him re-eſtabliſhed in His Throne, their Reſolutions never to withdraw themſelves from under His Government, and their Deſires to know immediately from Himſelf in what Condition He is, ſince the Safety of this Kingdom ſo much depends upon the Safety of His Perſon.*

VIII. *You ſhall ſhew that the Diſorders in the High-lands are now compoſed, and our Army is to be ſcattered in ſeveral quarters through the whole Shires of the Kingdom.*

With theſe Inſtructions My Lord *Lanerick* wrote what follows to His Majeſty.

Sir,

SInce eminent Advantages for Your Majeſties Service could not at this time be procured, but at the old rate of *ſatisfaction in Religion and* the Covenant, our Study hath been to prevent *Prejudices and Diſſervices*, wherein our endeavours have not proved *unſucceſsful*, though *even in that* we met with extraordinary Oppoſition. The *Particulars will be ſhewed to*

Your

Your Majeſty by the Bearer, with the humble ſenſe and advice (upon the whole as it now ſtands in relation to this Kingdom) of An. 1647.

Edinburgh, 23th Auguſt, 1647. Your Majeſties moſt humble, moſt faithful, moſt loyal, and moſt obedient Subject and Servant,

LANERICK.

To which His Majeſty anſwered.

Lanerick,

I *Very much like and approve of* Robin Leſly's *Diſcourſe and Inſtructions; but I do not ſo well underſtand your Letter of the* 23th *of this Month, as not agreeing fully with what* Robin *hath ſaid, and ſhewn to Me; wherefore I have the more reaſon to deſire you to haſten your Coming up. In a word, every minute that you ſtay, 'tis ſo much the worſe for the Affairs of*

Hampton-Court 29th Auguſt 1647. Your moſt real, conſtant Friend,

CHARLES R.

For Particulars I refer you to Robin.

The King was then ſo filled with Hopes from Aſſurances given Him by the Army, that He was out of doubt of getting things carried by Treaty, and therefore continued to preſs *Lanerick's* Coming up. The Earl of *Lauderdale* wrote alſo to *Scotland*, that ſome Perſon of Eminence might be ſent to concur with him in the great Tranſactions that were coming on; whereupon the Lord Chancellour and *Lanerick* were appointed to go up; upon which a Paſs was ſigned by *Fairfax*, for the Earls of *Lowdon* and *Lanerick* (according to the deſire ſent from *Scotland*) to come and wait upon the King. The King is abuſed by the Army.

But their Coming up was delayed, the occaſion whereof is given in the following Letter written by my Lord *Lanerick* to the King; which though I ſet down in the due Stile, yet both it, and almoſt all the Letters written this Year, being in Cypher, run in the third perſon: but for making the Narration ſmoother, I have preſumed to change their phraſe a little.

Sir,

THE *difference betwixt* Robin's *Relation and my Letter of the* 23th *of* Auguſt *laſt, I ſhall eaſily reconcile, when I ſhall have the happineſs to ſee Your Majeſty; for I can hardly ſpeak truth and ſenſe, without running a hazard* The Reaſons that ſtopt *Lanerick's* Journey for ſome time.

An. 1647. *hazard of making my ſelf uſeleſs, and uncapable of ſpeaking at all. Thoſe of the Chancellor's Friends, who were againſt his being employed at this time, take occaſion to preſs a Delay to his, and my preſent Going to* London, *or Court, from the Two Houſes their not yet anſwering a Letter the Committee here wrote to them, for Reparation of the Affront done to the Earl of* Lauderdale, *and for Aſſurances to all Commiſſioners employed from this Kingdom: ſo until a ſatisfactory Anſwer be returned to that Letter, it is alledged that their Going will be uſeleſs, ſince (except they be allowed by the Two Houſes) acceſs to Your Majeſty may ſtill be denied them, and ſo their Endeavours to ſerve You fruſtrated. This is the rather urged by reaſon of many informalities in the Paſs ſent them by Sir* Thomas Fairfax, *by which they were only warranted to come to Your Majeſty at* Hampton-Court: *and if You chance not to be there, it doth not warrant them to wait upon Your Majeſty in any other place; eſpecially ſince it bears not at all a liberty for them to go to* London, *where their Endeavours probably would be of the greateſt uſe. If the Earl of* Lauderdale *had not been affronted, they would not have deſired any Aſſurance at all; but that being unrepaired, (for they are not at all ſatisfied with Sir* Thomas Fairfax *his Anſwer to the Two Houſes Letter in that particular) if they ſhall have occaſion to move any thing in Your Majeſties Favours, which ſhall be diſliked by the Parliament or Army, they may chance to meet with the ſame or worſe Uſage that* Lauderdale *did. I was not ſo ſcrupulous, but willingly would have hazarded through theſe (or any) Difficulties, being required, as I am, by Your Majeſty to haſte thither; but the Chancellor's Stay would have made my ſingle Going (I being only employed to Your Majeſty) uſeleſs: yet if it ſhall be thought fit, and I again commanded to it, want of Formalities or Paſſes will not fright me from my Duty. In the mean time Inſtructions are this day ſent to our Commiſſioners at* London, *to delay their concurrence in ſending the Propoſitions of Peace to Your Majeſty till the Chancellour's Coming; for the Committee reſolved to adhere to their former Inſtructions, in preſſing Your Majeſties Coming to* London *with Honour, Freedom, and Safety, for confirming ſo far as You have already granted, by Your Meſſage of the* 12th *of* May *laſt, and there to Treat upon the reſt of the Propoſitions. Thus begging Pardon for this tedious account, I expect Your Majeſties further Commands, which ſhall immediately be obeyed by*

Edinburgh, 4th September 1647.

Your Majeſties moſt humble, moſt faithful, and moſt obedient Subject and Servant

LANERICK.

His Majeſties Anſwer follows.

Lanerick,

The Kings Anſwer to *Lanerick.*

YOu had reaſon not to come up without the Chancellour, but I do not underſtand why you did both ſtay; for is this a time for Scotland *to vie punctilio's of Honour with* England, *and thereby neglect (even almoſt to loſs) the Opportunity of redeeming that Fault*

Fault which they committed at Newcaſtle ; *certainly you are not yet in the right way. But ſeriouſly I write not this for you, but to you, that others by you might learn more wit. In a word, Time is not altogether loſt ; redeem it for ſhame, and be not ſtartled at My Anſwer which I gave yeſterday to the Two Houſes ; for if you truly underſtand it, I have put you in a right way where before you were wrong : remember the Proverb,* Ill bairns are beſt heard at home. *I ſay no more but make what haſte you can, with your Colleague, to* An. 1647.

Your moſt aſſured,
real, conſtant Friend,

CHARLES R.

In the mean while a Meſſage was ſent from *Scotland* to the Parliament of *England*, for ſuch a full Paſs as was demanded, which drew on a great Debate: for *Haſlerig*, *Martin*, and others of that Cabal argued much againſt it, ſaying, why ſhould *Lanerick* be ſent up, who was a known Incendiary? and the *Latham* Letter mentioned in the account of the Year 1643, with many other Particulars were remembred. Next, they excepted againſt it, that by the Paſs that was demanded it appeared, they were to go firſt to the King, as if they had been to Treat without the Parliament of *England*. But old Sir *Henry Vane* took them up ſharply for remembring things which were long ago buried ; yet the Heat was ſo great, that it was referred to a Committee to conſider of it, but in end it was granted. *Lowdon* and *Lanerick* with difficulty are permitted to wait on the King.

All this while the Earl of *Lauderdale* went not near *Weſtminſter*, becauſe he got not Reparation for the Affront put on him by the Army ; but was extremely vexed to ſee the King poſſeſſed with ſuch a good opinion of the Army, and uſed all the ways he could think of to undeceive Him.

In the beginning of *October* the Earls of *Lowdon* and *Lanerick* came to *London* ; and with them the Earl of *Lauderdale* went to wait on the King, who was then at *Hampton-Court* ; and after they had learned from Him the State in which His Affairs were, and had expreſſed the Senſe and Affection of His Subjects in *Scotland*, who judged all their happineſs to depend upon His Settlement on his Throne, they fell upon their Treaty with the Parliament. But the Army was beginning to take off their Mask, and change their Stile : for having now ſeated themſelves in the Power, they begun to contrive how to execute what they had always deſigned, which was the Ruin of the King, and the Subverſion of Monarchy. And a new Party among them called the Levellers, did avowedly own Principles contrary to all Order and Government, ſo that there was great ground to apprehend Danger to the Kings Perſon. My Lords of *Lowdon*, *Lauderdale*, and *Lanerick*, repreſented to the King, that if He would give ſatisfaction in the point of Religion, he was Maſter of *Scotland* on what terms as to other things He would demand : but without that, they The *Scottiſh* Commiſſioners wait on the King,

An. 1647. feared their Design of serving Him should meet with great Opposition; yet they resolved once to rescue Him out of the hands of the Army, or to perish in the Attempt.

and offered to rescue Him from the Army.

A little after this, His Majesty being to hunt at *Nonsuch*, the Earls of *Lauderdale* and *Lanerick* came thither on pretence of waiting on His Majesty, accompanied with 50 Horse, which struck no small terrour in the little Guard that was about the King: whereupon these Lords told His Majesty, that they were come to rescue Him from His Captivity, and they, with all these they brought with them, were resolved to die at His feet; wherefore they intreated Him to make His Escape. But the King told them, He had engaged His Honour not to leave the Army without giving them Advertisement; and till He freed Himself of that, He would die rather than break His Faith. But the Leading men of the Army were now weary of the Kings being with them, and wished to have Him in some secure Place under a good Guard: whereupon they made reports be brought to Him, that the Levellers were designing against His Life. The King therefore called again the Earls of *Lauderdale* and *Lanerick* to Him some days before His Escape, and told them, He had freed Himself of the Engagement He had given not to leave the Army; He therefore desired their Advice what to do. The Earl of *Lauderdale* said, things being driven to such extremities, it was not safe to give Advice; but would His Majesty suggest any thing, he would with all candour deliver his Opinion about it. The King first spoke of His Going to *Scotland*; the Earl of *Lauderdale* said, that except He resolved to comply with their Desires about Religion, He might expect no better Usage from the Church-party there, than He had met with at *Newcastle*. Next the King moved His Going to *London*: the Earl of *Lauderdale* answered, that formerly that had been a safe Course, but now the City was so over-awed by the Army, that he durst not advise His trusting His Person to them; for the Tumults there were already great, and would undoubtedly grow upon His coming. The King asked, if He came, was He sure of the *Scotish* Commissioners that they would stick to Him in Name of the *Scotish* Nation? the Earl of *Lauderdale* answered, that all of them to a man should wait on Him, and own His Service at all hazards; but without Instructions from *Scotland* they could do nothing as Commissioners, but only in their own Names as His Subjects; and they had great reason to fear, the Church-party in *Scotland* would not own Him, nor order them to do it. Next the King spoke of His going to *Berwick*; whereupon the Earl of *Lanerick*, who till then had stood silent, begged of His Majesty, that for Gods sake he would follow that Motion: for if He left *England* the Army would pretend He was deserting His Kingdom, and so depose Him; but *Berwick* was a strong Place, which at that time lay ungarrisoned, the Country about it was generally well-affected, and so He might easily get a good Garrison to go in with Him; and by that means he was near *Scotland*, for the encouragement of those who resolved to serve Him. This was also backed by *Lauderdale*, and the King seemed fully resolved on it; so they left Him: of this the Author had his Information from the Earl of *Lauderdale*.

The King advises with *Lauderdale* and *Lanerick* what to do.

The King goes to the Isle of *Wight*;

A few days after this, His Majesty went to the Isle of *Wight*, and on the 16th of *November* sent a Message to the Parliament, which is Printed with the rest of the Messages, declaring the reason of His Going

to

to that Place, and inviting them to a Treaty, As for Religion he in- *An.* 1647.
ſiſted on His Judgment about Epiſcopacy, as a Government ſettled by the Apoſtles; but was content it ſhould be limited, ſo that the Biſhops ſhould act nothing in Eccleſiaſtical matters without their Presbyters, whereby they ſhould be no burden to Tender Conſciences; and that they ſhould be obliged to reſide, and labour, and preach in their Dioceſſes. Beſides He continued His Offer for the Settlement of Presbytery for Three Years, till things were freely debated and conſidered, adding a Liberty to all Tender Conſciences, except Popiſh Recuſants. As for the *Militia*, He offered to yield it up to the Parliament during His whole Reign, and in other Particulars inſiſted on His former Conceſſions: and ſome days after that he wrote what follows to my Lord *Lanerick*.

Lanerick,

AS My coming hither will be variouſly ſcanned, ſo I believe that My Meſſage to the Two Houſes will have divers Interpretations; for neither of which I mean to make any Apology; for honeſt Actions at laſt will beſt interpret themſelves: only I muſt obſerve to you, that what I have ſent to London, *the end of it is to procure a Perſonal Treaty, for which if I have ſtriven to pleaſe all Intereſts with all poſſible equality (without wronging My Conſcience) I hope no reaſonable man will blame Me. Nor am I ſo unreaſonable as to imagine that this My Meſſage can totally content My Own Party: but for the end of it (a Perſonal Treaty) I hope that all the reaſonable men on all ſides will concur with Me, as I expect your* Scotiſh *Commiſſioners ſhould do, though I know you muſt diſlike many Paſſages in it. And yet I muſt tell you, that in ſubſtance it differs very little from My Meſſage of the* 22th *of* May. *This I thought neceſſary to write to you, that you might aſſure your fellow-Commiſſioners, that change of Place hath not altered My Mind from what it was when you laſt ſaw Me. So I reſt* and writes from thence to *Lanerick*.

Carisbrook, 19th November 1647.

Your moſt aſſured, conſtant Friend,

CHARLES R.

POSTSCRIPT.

This is a ſafe Meſſenger, wherefore you or any other of My Friends may write to Me by him, deſiring much to hear from you.

To this Letter the three Commiſſioners from *Scotland* wrote joyntly this Anſwer.

May

An. 1647.

May it pleaſe Your Majeſty,

The *Scotiſh* Commiſſioners write to the King.

YOur Meſſage left behind You at Hampton-Court *gave great hopes, that Your Majeſty was gone to ſome Place where you might be ſafe and free from Your Enemies, and where Your Majeſties Friends might have acceſs to You. But as the Place to which You are gone, ſo Your Majeſties Meſſage of the* 16th *hath infinitely diſabled us to ſerve You; for what You offer in matter of Religion, comes far ſhort of Your Majeſties Meſſage of the* 12th *of* May: *beſides, it grants a full Toleration of Hereſy and Schiſm for ever. And as for Your Conceſſions in things Civil, more is granted than was expected by ſome, or wiſhed by others: and although we know not how effectual Your Majeſties Meſſage may prove for a Perſonal Treaty, yet our Endeavours ſhall be really contributed for that end, as we have done in part already. If this Meſſage be rejected, a Perſonal Treaty denied, the new Propoſitions preſſed by the Two Houſes, and Your Majeſty in no better Security than formerly, You would adviſe us in time what to do, and wherein we can be uſeful to Your Majeſty, who are reſolved to ſerve You as becomes*

Your Majeſties moſt humble,
moſt faithful, moſt loyal
Subjects and Servants,

22th Novemb. 1647.

LOWDON, LAUDERDALE, LANERICK.

Next day His Majeſty wrote what follows to my Lord *Lanerick*.

Lanerick,

His Majeſties Anſwer to *Lanerick*.

I Wonder to hear (if that be true) that ſome of My Friends ſhould ſay, that My Going to Jerſey *had much more furthered My Perſonal Treaty than My Coming hither, for which as I ſee no colour of Reaſon, ſo I had not been here if I had thought that Fancy true, or had not been ſecured of a Perſonal Treaty, of which I neither do, nor I hope ſhall repent; for I am daily more and more ſatisfied with this Governour, and find theſe Iſlanders very good, peaceable, and quiet People. This Encouragement I have thought not unfit for you to receive, hoping at leaſt it may do good upon others, though needleſs to you, from*

Your moſt aſſured, real,
faithful, conſtant Friend,

Cariſbrook 23th Nov. 1647.

CHARLES R.

But

But in the end of *November* the Two Houſes paſſed the four Bills *An.* 1647. without the conſent of the *Scotiſh* Commiſſioners, which was a manifeſt Breach of Treaty. *In* them the Covenant was not ſo much as mentioned, for they related wholly to Civil matters, as the perpetual Power of the *Militia*, the unlimited Authority of Parliament, and in effect the Giving up at once the Kings Authority. But the *Scotiſh* Commiſſioners complained and Remonſtrated againſt this with open mouth, and gave in a large Remonſtrance againſt the four Bills; Declaring, that contrary to all the former Treaties and Declarations, the Propoſitions made to His Majeſty were ſtill altered, the Propoſitions ſent to *Newcaſtle*, to which notwithſtanding their diſlike of them, yet for Peace ſake they had yielded, were now quite changed. They alſo proteſted, firſt, againſt the ſending of Propoſitions without a previous Treaty, which they earneſtly preſſed, as the likelieſt Courſe for removing all Miſtakes, and bringing things to a Final Settlement; and therefore they inſiſted on their former *Deſires* for a Perſonal Treaty in or about *London*. Next, they excepted againſt the Bills, both becauſe the Covenant was quite omitted, and the Settling of the Uniformity of Religion was turned to a Deſire for a vaſt Toleration. The Treaties with *Scotland* were not deſired to be confirmed, but only the making of them to be approved, which was rather an Indemnity for making them, than a Confirmation of them. Next they remonſtrated, that the Kings Legiſlative Power was quite taken away, by an unlimited Power they deſired to be put in the Hands of the Two Houſes, and that their Demand about the *Militia* did put the King out of a capacity of Protecting His Subjects. In fine, they complained of the making Propoſitions without the concurrence of the *Scotiſh* Commiſſioners; wherefore they remonſtrated againſt the Bills, and reſolved to follow the Commiſſioners, whom the Two Houſes were to ſend to *Wight*, and proteſt againſt theſe Bills; upon which divers Papers paſſed betwixt the Two Houſes and them.

The Two Houſes paſs the four Bills.

The *Scotiſh* Commiſſioners proteſt againſt them,

The Earls of *Lowdon*, *Lauderdale*, and *Lanerick* wrote their ſenſe of theſe Bills to His Majeſty thus.

and write to the King concerning them.

May it pleaſe Your Majeſty,

IT is of no advantage to expoſtulate about what is paſt, either the carrying Your Majeſty into that ſad Place, or the Prejudice Your Service, and we ſuffer by Your Majeſties Meſſage; for while You ſtudy to ſatisfie all, You ſatisfie no Intereſt.

We ſhall inſiſt on the grounds we went on at Hampton-Court, *and ſhall conſtantly preſs a Perſonal Treaty at* London: *but not as the new Propoſitions do hold forth, which if Your Majeſty agrees to, You diveſt Your Self, and Your Poſterity of the* Militia *for ever; You ſettle this Army (and Entertainment for it) over Your Self, and Your Majeſties People perpetually; and by giving leave to Adjournment, You and Your Parliament ſhall be carried about at the Armies Pleaſure, as their Sub-Committee. If Your Majeſty will further enable us, we ſhall by our Actions give more real teſtimonies, how intirely we are*

Your Majeſties moſt humble,
moſt faithful, and moſt loyal,
Subjects and Servants,

25th November, 1647.

LOWDON, LAUDERDALE, LANERICK.

An. 1647. With this *Lanerick* ſent to His Majeſty the Papers they gave in againſt the Bills, and the other late Votes, upon which the King wrote the following Letter.

Lanerick,

His Majeſty is well ſatisfied with their Papers.

ALbeit that Letters can ill diſpute at this diſtance, yet I cannot but tell you, that many things may be fitly offered to obtain a Treaty, that may be altered when one comes to Treat; and there is a great difference betwixt what I will inſiſt on, and what I will permit for the obtaining of a Peace. Likewiſe it is neceſſary in many reſpects, that I ſhould ſeek to ſatisfie (as far as I can with Conſcience and Honour) all chief Intereſts. All theſe things impartially and duly conſidered, I will boldly ſay, My Meſſage will not be found much amiſs; which recommending to Your better conſideration, I muſt now deſire You to give hearty thanks in My Name to your fellow-Commiſſioners (of which though you take a large ſhare to your ſelf, they will not want) for their Paper of the 17th of this Month. which was ſent to the Two Houſes: for ſeriouſly it is as full to My ſenſe, as if I had penned it My Self. And let me tell you, that it will turn to the greateſt Honour (I ſay no more) that ever befell you; wherefore I conjure you by all that is dear to wiſe or honeſt men, that you adhere cloſe and conſtantly to it; and as the Song ſayes, I ask no more. *So I reſt*

Cariſbrook 29th November 1647.

Your moſt aſſured, faithful, real Friend,

CHARLES R.

To which, with another of that Date which His Majeſty wrote to the three Lords, which is not in the Writers hands, they wrote the following Anſwers.

Sir,

They write again to the King.

IN anſwer to Your Majeſties of the 29th *of* November *we ſhall firſt humbly acknowledge Your Favour, by conferring ſo great a Truſt on us, and do engage our ſelves to the exacteſt Secrecy. As for a Perſonal Treaty, we are reſolved ſtill to inſiſt on it, and that* London *may be the Place: but as to Your coming hither in Perſon, Your Majeſty not having ſignified to us Your Reſolution of declaring or concealing Your being here, or upon what aſſurance of Safety you can do either as Affairs now ſtand, we dare not preſume to give a poſitive Advice herein; but leave it to Gods Direction, and Your Wiſdom, though we wiſh from our Souls, You were out of thoſe hands you are now again in: And albeit we can no ways joyn with Your Majeſties Meſſage, yet whatever Succeſs our Endeavours for a Perſonal Treaty ſhall have, or what Place ſoever Your Majeſty puts Your Self into; You may be confident, that you ſhall ſtill have the realleſt Aſſurance and faithfulleſt Services of*

1ſt Dec. 1647. Your Majeſties moſt humble, moſt faithful, and moſt loyal Subjects and Servants,

LOWDON, LAUDERDALE, LANERICK.

Sir,

An. 1647.

Sir,

JUſt now we received Your laſt of the 29th *of* November. *The firſt of that Date we anſwered by* James Cunningham, *and can now ſay no more, as to Your coming to* London, *than we did by him: for though nothing is ſo much wiſhed by us, as Your being out of their Power in whoſe hands You have put Your Self; yet we know not in what Safety Your Perſon could be here at* London, *conſidering the preſent Temper of the Two Houſes, the Diſtempers of the Army, and the irreſolution of the City. But not knowing what grounds Your Majeſty goes upon, we cannot judge of that Deſign: yet ſince You are pleaſed to command us to offer our ſenſe of a better, if we approve not of this, we ſhall preſume to propoſe to Your Majeſty Your Town of* Berwick, *as a Place both of Safety to Your Perſon, and of advantage for proſecuting Your ends of Peace, whether by a Treaty, or otherwiſe of reſtoring Your Self to Your Power, and Your People to their former Happineſs. The Prejudice of abandoning Your Kingdom of* England, *(while Your Parliament is Sitting) will thereby be evited: Your Friends whether at home, or abroad, will have free acceſs unto You; and if You ſhall think fit to make uſe of the Affections of Your* Scotiſh *Subjects, You already know upon what terms You can engage them, either to reſtore You, or fall with You. And as to the Safety of Your Perſon, beſides the Affection of theſe Northern Places, (which is very great) and the Strength of the Place it ſelf, (which upon Your Arrival with a few of Your* Engliſh *Friends may be poſſeſſed by You)* Scotland *hath not only* 1200 *Horſe now together upon the Borders, but will be ready to imploy their whole Power for Your Perſonal Preſervation in caſe of danger. If Your Majeſty approves of this Motion, You will think upon the beſt, ſpeedieſt, and ſafeſt way of executing it; and either in this, or what elſe You command, we will conſtantly ſhew our ſelves*

Your Majeſties moſt humble,
moſt faithful, and moſt loyal
Subjects and Servants,

Dec. 4. 1647.

LOWDON, LAUDERDALE, LANERICK.

On the 6th of *December* His Majeſty ſent a new Meſſage to the Two Houſes, with which he wrote to the *Scotiſh* Commiſſioners.

The King ſends a Copy of His Meſſage to the *Scotiſh* Commiſſioners.

AS I heartily thank you for your Freedom, thereby perceiving your hearty endeavours for My Recovery; ſo there are ſo many Particulars, that I cannot at this time give you a poſitive Anſwer, but ſhall within few days. In the mean time I earneſtly deſire you to uſe your uttermoſt Endeavours, for procuring a Perſonal Treaty, which for the preſent will be the moſt acceptable Service you can do to

Your moſt aſſured, real,
conſtant Friend,

CHARLES R.

An. 1647.

POSTSCRIPT.

I have ſent you a Copy of a new Meſſage (here incloſed) to the Two Houſes, not doubting but you will ſecond it; alſo deſiring you ſpeedily to advertiſe Me of any Reſolution, that ſhall be taken to My diſadvantage by the Houſes: and of this I pray you be very watchfull.

The Meſſage being among the Printed Meſſages, is not inſerted here, the Reader being referred to that Collection. The ſubſtance of it was, *An Expoſtulating that no return had been made to his laſt Meſſage, notwithſtanding which His Majeſties conſtant tenderneſs to the Wellfare of His Subjects, and the ſad condition they were now driven to, did ſo far prevail upon Him, that he vehemently preſſed a Perſonal Treaty as the beſt means of Peace: ſo that the blame of retarding ſo great a Work, muſt fall ſomewhere elſe than on His Majeſty, who as He had already offered to deveſt Himſelf of much of His Authority; ſo He did not doubt, but if they met Him with the ſame Reſolutions with which He would meet them, the Kingdom ſhould at laſt enjoy the Bleſſings of a long-wiſhed Peace.*

At this time the Two Houſes were deſigning to make His Majeſtie a cloſe Priſoner, of which the *Scotiſh* Lords gave the King notice in the following Letter.

Sir,

They diſcover to him Deſigns againſt His Perſon.

WE *are this day certainly informed, that the Committee appointed for Your Majeſties Papers (whereof Mr.* Lyle *of the Iſle of* Wight *hath the Charge, and whereof Mr.* Martin Scot *and that Cabal are Members) have reſolved that preſent Order ſhould be given, for making Your Majeſty a cloſe Priſoner; and to remove* Aſhburnham, Berkeley, *and* Leg *from You, and commit them to cloſe Priſon, with Reſolutions to proceed to Extremities againſt Your Majeſties Perſon. The knowledg of this came to us from* Jack Denham: *beſides, a Member of that Committee this day aſſured My Lady* Carliſle, *that within* 24 *hours Your Majeſty would be a cloſe Priſoner. And to our certain knowledg there are Debates amongſt the eminent Perſons, by one mean or other to deſtroy Your Majeſties Perſon; and Conſultations have been here, and in the Armies for this effect. Our information comes from ſome who were preſent at both: we could not be at quiet till we had advertiſed Your Majeſty of this, nor can we propoſe any better Remedy than we did expreſs by* Andrew Cole. *If Your Majeſty does not reſolve and act ſpeedily, we fear our Endeavours to ſerve You will be too late, which would be the greateſt Affliction could come to*

8th Decemb. 1647.

Your Majeſties moſt humble,
moſt faithful, and moſt loyal
Subjects and Servants,
LOWDON, LAUDERDALE, LANERICK.

POSTSCRIPT.

Jack Denham's *Intelligence is from the Clerk of the Committee.*

At

At this time the Earl of *Traquair* came to wait on the King, and gave Him great hopes of the Fidelity of ſome of the moſt rigid of the Church-party in *Scotland*. He was ſent by His Majeſty to the *Scotiſh* Commiſſioners with the following Letters. *An.* 1647. *Traquair* waits on the King.

THE coming of Traquair *hath much eaſed the pains, which otherwiſe I muſt have taken in performance of that Promiſe I made you in My laſt Letter by* And. Cole; *but I care not ſo much for the ſaving of My labour, as the inevitable loſs of ſo much precious Time, which muſt have been ſpent, had I written ſo long a Diſcourſe as that Promiſe required: wherefore I have freely and fully imparted My Mind to* Traquair, *as well concerning your Propoſitions to Me, as the making of ſome from Me to you. Having no more to ſay, but to deſire you to give an entire belief, a willing ear, and a ſpeedy anſwer to what he ſhall impart to you, I am*

Carisbrook 8th December, 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

Lanerick,

NOtwithſtanding My Joynt-Letter, I think it moſt fit to write to you alone, to aſſure you that (if I have any Judgment) Traquair *is right ſet for My Service; wherefore in a moſt ſpecial way I recommend him to you, to whom referring you, I reſt*

Your moſt aſſured, real, faithful, conſtant Friend,

Carisbrook December 8th, 1647.

CHARLES R.

The Meſſage truſted to *Traquair*, was, that as to matters of Religion His Majeſty was unmoveable; but as for other things, wherein the Honour, or Intereſt of *Scotland* might be concerned, he was ready to give them the greateſt and fulleſt Conceſſions that could be demanded: in anſwer to which the three Commiſſioners wrote what follows to His Majeſty. The Kings Meſſage by *Traquair*.

SIR,

WE have heard Traquair's *Relation, whom laſt night we had diſpatched to Your Majeſty with our ſenſe upon all the Particulars; but this morning he hath conceived his going at this time unfit, which forceth us upon this tedious way. And the receipt of Your Majeſties of the eleventh Inſtant, makes us the more earneſtly beg, that You would not ſuffer us longer to walk in the dark, but give us under Your Royal Hand an aſſurance that You will perform what is contained in that Paper concerning Religion; and withall* The *Scotiſh* Commiſſioners their anſwer to it.

An. 1647. *inſert, what You have ſcraped out of the Paper which we gave Your Majeſty at* Hampton-Court: *and we ſhall oblige our ſelves to endeavour, that* Scotland *ſhall engage themſelves for Your Reſtauration, and Civil Intereſts, as was expreſſed in thoſe Papers. Without this Aſſiſtance we are abſolutely unable to ſerve Your Majeſty; and although Doctor* Goff *ſhewed us Your unwillingneſs to allow of that Clauſe concerning the Covenant, yet we ſhould but abuſe Your Majeſty if we gave You the leaſt hopes that* Scotland *would be engaged at an eaſier rate: therefore we again beſeech Your Majeſty to haſte to us Your clear and poſitive Anſwer, leſt we forfeit our Truſt with thoſe that ſent us hither, and You (which to us would be more bitter) periſh by Delays. Our informations concerning the Reſtraint intended to be put upon Your Majeſties Perſon, and ſome of thoſe with You, are ſtill confirmed; therefore Your Majeſty would ſpeedily reſolve to ſatisfie* Scotland, *and engage their Power for Your Aſſiſtance. Concerning the Duke of* York, *there is nothing we deſire with more earneſtneſs than to ſerve Your Majeſty in what You would have done; but being Publick Miniſters, we cannot be the Actors of it, without abſolutely diſabling us to do Your Majeſty any other Service; and none elſe will engage in a matter of this nature upon any deſire from us, without a poſitive Command from Your Majeſty: therefore if You continue in that Reſolution, we conceive it fit, You make choice of ſome ſuch truſty Perſon as Your Majeſty would employ in acting of it, and that You write to him for that effect, without taking any notice of us at all in Your Letter to him. We pray the Lord to preſerve and direct You, who are unchangeably*

13th December, 1647.

Your Majeſties moſt humble, moſt faithful, and moſt loyal, Subjects and Servants,

LOWDON, LAUDERDALE, LANERICK.

After this His Majeſty wrote theſe Letters to the *Scotiſh* Lords.

The King commands them to come to the Iſle of *Wight.*

THough no time hath been, nor ſhall be loſt for My Going from hence; yet contrary to expectation, it will be ten days before the Ship can be ready. And I confeſs that this had been too late, if the Governour would have permitted Forces in hither; wherefore I am moſt confident that I ſhall not be ſurprized for time. And therefore I earneſtly deſire all you three (or at leaſt one of you) to come hither without delay; for the full Concluſion of all things betwixt us; for upon ſecond thoughts I judge it leſs dangerous to go to London *than to any Place elſe, except I were totally accorded with you. To conclude, if you will not counſel Me to go to* London, *without being publickly invited, make haſte hither, as you love His Service, who is*

Carisbrook 14th Decemb. 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

Time

TIme was never more precious to any than it is at preſent to Me, and therefore I am glad to take occaſion upon Doctor Goff's *long Diſpatch (which I received yeſternight after I had written to you) to return you by him ſuch a draught of Articles betwixt us, as your Signing it will make your Journey hither unneceſſary: and I am to take what Courſe you will propoſe in order to My Safety. I am confident the neceſſity of this Accord in divers reſpects is ſo well known to you that all Arguments are needleſs. Alſo I hope that the particulars are ſo well worded, that you will make no difficulty to paſs them as they are: but if contrary to My expectation, you ſhould ſcruple at any expreſſion, then neceſſarily all, or at leaſt one of you, muſt come hither with all expedition. So deſiring you to believe what Doctor* Goff *will ſay to you in My Name, I reſt,* An. 1647.

Cariſbrook 15th Decemb. 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

With this laſt Doctor *Goff* brought a full account of His Majeſties thoughts: but the *Scotiſh* Commiſſioners finding it impoſſible to adjuſt matters, (which were of ſuch importance) without waiting on His Majeſty, reſolved to go to the Iſle of *Wight*.

And that their Going might give leſs Jealouſie, they reſolved to go after the Commiſſioners whom the Two Houſes were ſending with the four Bills, that they might Proteſt againſt them.

At this time the Marquis of *Huntley* being in Arms in *Scotland*, and not able to reſiſt the Forces that came againſt him, was taken Priſoner; which His Majeſty underſtanding, he expreſſed his Concern for him, in the following Letter he wrote to *Lanerick* about him.

Lanerick,

HEaring that the Marquis of Huntley *is taken, and knowing the Danger that he is in, I both ſtrictly command you as a Maſter, and earneſtly deſire you as a Friend, that you will deal effectually with all thoſe whom you may have any Intereſt in, for the Saving of his Life. It were I know loſt time to uſe Arguments to you for this; wherefore I judge theſe lines neceſſary to add to your Power, though not to your Willingneſs, to do this moſt acceptable Service for*

Carisbrook 17th Decemb. 1647.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

About

An. 1647. About this time the Queen wrote to my Lord *Lanerick*.

A Letter from the Queen to *Lanerick*.

Couſin,

YOu will perceive by this that you cannot make more haſte in obliging Me, than I ſhall on My part in witneſſing My Acknowledgements of it. I aſcribe a great deal of the good Inclinations your Commiſſioners do now expreſs, to the good Offices you do, of which I intreat the Continuance. The teſtimonies of Friendſhip, which I receive from thoſe of your Family, ſurprize Me leſs than what I met with from other Hands; and I promiſe My Self to ſee further effects of it. And as I have all the eſteem of you that you can expect, ſo you owe Me the Juſtice of believing, that I ſhall give evidence of it upon every occaſion that ſhall be offered to Me: nor ſhall I reſt ſatisfied with that, but ſhall diligently ſearch out every opportunity of expreſſing it. Therefore I entreat you to believe that I am,

Couſin,

Your very good, and very affectionate Friend and Couſin,

HENRIETA MARIA R.

The *Scotiſh* Commiſſioners go to His Majeſty.

An Agreement with the King to bring an Army for His Service.

Towards the end of *December* the Earls of *Lowdon*, *Lauderdale*, and *Lanerick*, followed the *Engliſh* Commiſſioners to the Iſle of *Wight*: and after they had proteſted againſt the Bills, they concluded their Treaty with His Majeſty, to engage for his Reſcue, and Re-eſtabliſhment on his Throne, and to bring in an Army into *England*, aſſoon as it were poſſible for that effect. The King on the other hand engaged to them, for all the Aſſiſtance they could demand from the *Queen* or *Prince*, or any other who would obey His Authority; and that the *Prince* ſhould come to *Scotland* aſſoon as they found it convenient to invite him; and that His Majeſty ſhould grant all the Deſires of *Scotland*, which with a good Conſcience he could grant. And the Commiſſioners having adviſed and agreed with His Majeſty, both about the Methods of carrying on their Deſigns, and the ways of keeping Correſpondence with him, they reſolved to return home to *Scotland*: and ſo they left His Majeſty at *Wight* in the end of the Year.

But upon the Kings refuſing to paſs the Bills, he was made cloſe Priſoner; and a Vote paſſed in both Houſes againſt all further Addreſſes to him.

MEMOIRES

OF THE

LIFE and ACTIONS

OF

James Duke of Hamilton, &c.

LIB. VI.

Of the Duke's Engagement for the Kings Preſervation, and what followed till His Death.

Anno 1648.

THe former Book has given the Reader a juſt and full Repreſentation of His Majeſties Impriſonment, and the Danger his Perſon was in; of the Force put on the Two Houſes by the Army, and of the breach of former Treaties with the *Scotiſh* Nation: and now it cannot but be imagined, that ſuch Illegal and Unjuſt Proceedings muſt have inflamed the Reſentments of all good Subjects, and more ſignally of ſuch who had formerly been carried away in the crowd to act againſt the Kings Intereſts, but now ſeeing how fatal the Breach between the King and his People was likely to prove to both, were much concerned to correct all former Errours, and expiate all paſt Faults by a vigorous appearance for the Kings Reſcue out of his Impriſonment. In order to this Deſign the Duke was not idle in *Scotland*, but by all the Art and Diligence he was Maſter of, did ſtudy to rouſe up and work upon the Fidelity and Loyalty of that Nation; repreſenting, that now an Occaſion was in their Hands to witneſs to the World the ſincerity of their Intentions for their King, when he was under ſo baſe a Reſtraint, and Deſigns were hatching againſt his Life: Would they now look on and ſee the King murdered, the Parliament of *England* over-awed, the City of *London* oppreſſed, the whole *Engliſh* Nation

The Dukes endeavours in *Scotland*.

An. 1648. Nation enſlaved, the Treaties with *Scotland* ſo unworthily violated, the Covenant and Religion ſo neglected, and ſwarms of Sectaries overrun all? Now or never was the time for declaring themſelves; and if Duty did not move them, yet the apprehenſion of their own Danger might provoke them to look to themſelves; for did they think to eſcape the fury of the Sectaries, if they were ſo tame as to ſuffer them to prevail in *England*? therefore all Laws Divine and Humane did oblige them to look to themſelves, and to thoſe Enemies of theirs. And there was good reaſon to hope for ſucceſs, ſince beſides the Bleſſing of God, which might be expected upon ſo juſt and Noble Enterprizes, the People of *England* were groaning under this Uſurpation, and would be ready to aſſiſt them: and they had reaſon to expect a welcome from the City of *London*, and the better part of the Two Houſes. Theſe things did prevail much on the moſt of the Nobility and Gentry.

Three Parties in *Scotland.*

But at this time Three Parties begun to appear in *Scotland*. The one was, of thoſe who would hear of no Propoſition for the Kings Delivery, unleſs he firſt gave ſatisfaction in matters of Religion: and this was made up of the Preachers, and a few of the Nobility, and the Weſtern Counties. Others were for a direct Owning of the Kings Quarrel without any reſtrictions; and for taking all Perſons who had been in Arms for the Kings Service within it. The Earls of *Traquair* and *Calendar* were the chief of theſe, and many Noblemen were of it, who called themſelves the Kings Party: but their Power in the Country was not great. The Duke was as much for that in his thoughts as any of them, but ſaw it impoſſible to effectuate the Kings buſineſs at that rate; and therefore judged it beſt to go on in ſo great a Deſign by degrees.

The preſent Strait was that he firſt looked to, which was the Reſcue of the Kings Perſon; and he doubted not, if they once got a good Army engaged upon that account, though all were at firſt clogged with many ſevere Reſtrictions, yet it would be eaſy afterwards to carry things that were not to be then ſpoken of: and this way took with almoſt the whole Gentry of *Scotland*.

The Commiſſioners return to *Scotland.*

The *Scotiſh* Commiſſioners ſpent much of the month of *January* at *London*, eſtabliſhing a good Correſpondence with the Kings Friends in *England*: and they had Letters from St. *Germans* in *France*, in which the Queen and Prince undertook to make good to them all that had been promiſed by the King in their Name. And in the Commiſſions the Prince gave to Sir *Marmaduke Langdale* and others, for Levying of Forces in the North of *England*, he commanded them to receive their Orders from the Earls of *Lauderdale* and *Lanerick*, and follow their Commands. Thus having laid down the beſt Methods they could think of with their Friends in *England*, they ſet out for *Scotland* about the end of *January*.

At their coming to *Scotland* they found a general diſſatisfaction with the Kings Meſſage (in *November*) about Religion. And though all the Duke's Friends were ready to have hazarded their Lives for His Majeſties Preſervation, on theſe, or on eaſier terms; yet it was long debated amongſt them, what the Conſequences might be of engaging in ſo great a Work, not only without Unanimity, but with the Oppoſition of the Church, and moſt of thoſe who had been of greateſt Eminence and Power during the late Troubles. Wherefore they reſolved

to

to give very extraordinary Complyances to their Deſires, whereby they might either gain their Concurrence, or at leaſt mitigate their Oppoſition, and determined to go a greater length than otherwiſe their Loyalties could allow of. But the Church-men, by the inſinuations of Mr. *Gilleſpie* and others, were poſſeſſed with an opinion of their bad Intentions, and that their Reſolutions (if they were bleſſed with Succeſs) were to overturn all that had been formerly eſtabliſhed: and ſo they reſolved not to be ſatisfied with any Security or Proviſo they might grant, believing that nothing they offered was really meant to be kept, and that all they intended was but Cajolery; therefore they determined to oppoſe them with their utmoſt Zeal and Induſtry. *An.* 1648.

A few dayes after the three Lords returned to *Scotland*, the following Letter came to them from His Majeſty.

A Letter from the King.

UPon Saturday *I received yours of the twenty fourth of* January, *and have written to* Lee *as you deſired. Let no reports of any Perſonal Threatning againſt Me ſtagger your Confidence of My Conſtancy, nor hinder* Scotland *in what ſhall be beſt for Kingly Authority: loſe no time in your great and honeſt Deſigns, for him who is*

Monday 7th February, 1648.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

POSTSCRIPT.

I reſolve within theſe two or three Days to write to you by a truſty Meſſenger, however I hope not to fail by theſe ways you mention.

To which they returned the following Anſwer.

May it pleaſe Your Majeſty,

THis day we received Your Majeſties of the 7th Inſtant: Your Letter to Lee *we hope may be uſeful. Our Reſolution to ſerve Your Majeſty cannot be ſhaken, with which we will go through or periſh. The Clergy cannot be ſatisfied with what Your Majeſty offers in Religion, for the reaſon expreſſed in our laſt of the 15th, yet we hope to engage them in the Work. We wiſh Your Majeſty could further enable us in that Particular, as the only mean to procure Unanimity. In the mean time we will ſet up our reſt on the procuring a ſpeedy Engagement, though without that we cannot do it ſo much to Your Majeſties advantage. Sir* Marmaduke Langdale *is come hither, and our firſt care ſhall be to ſecure* Berwick *and* Carliſle, *which ere this we had done, if our Forces had not been at too great a diſtance, ſcattered in their Quarters. They have now Orders in private to draw together, and we intend to act and ſpeak both at a time.*

An. 1648.

POSTSCRIPT.

We want Arms and Ammunition exceedingly, and do earneſtly deſire the Queen may be pleaſed to endeavour the ſupplying us from France *and* Holland *ſpeedily.*

Lowdon falls off to the Church-party.

The Lord Chancellour (though at firſt the moſt forward of them all for an Engagement, yet) was quickly wrought upon to abandon his generous Reſolutions; and not only turned over to the violent Church-Party, but ſome Months after was made do Penance by a ſolemn Acknowledgment in the High-Church of *Edinburgh*, for his ſinful complyance with theſe unlawful Courſes, as they were termed. *Traquair* played his old game a great while with both hands, and ſtudied to make a Reconciliation with ſome Lords of the Church-party, if by any means they could have been engaged in the Deſign: and Mr. *Murray* of the Bed-Chamber, who was ſent to *Scotland* from *France*, treated alſo long with the Heads of the Church-party, whom he thought more powerful in the Country, and ſo more able to deliver the King; but finding them ſo backward, without poſitive Conceſſions about Religion and the Covenant, he, and the reſt of theſe called the Kings Party, were forced to unite with the Duke and his Friends.

The firſt thing was to engage all the Officers of the little Army then ſtanding, which was carried very ſucceſsfully; and their next care was to fix on one to command. Thoſe who united for engaging in the Kings Quarrel, deſigned that *David Leſley*, now Lord *Newark*, ſhould command the Army to be raiſed; and he at firſt undertook the Service very cordially: but ſome of the Church-men fell upon him very furiouſly, and prevailed ſo far on others who had a great Aſcendant over him, that he being of an eaſie nature, ſtruck off, and refuſed the Service. Whereupon finding it neceſſary that a Perſon of Eminence and Integrity ſhould command the Army, they reſolved on making the Duke General, which he oppoſed to a high degree; ſaying, that he was reſolved to hazard his Life with the firſt, yet he would decline all Command, knowing with what Calumnies he had been aſperſed, and what Jealouſies many had ſtill of him, as if his Deſigns were for himſelf, and to the Kings Prejudice. And many yet alive, with whom he lived in the greateſt Confidence, know with what earneſtneſs he preſſed them to ſet their eye on ſome other Perſon; but there were none to chooſe fit for the Truſt, wherefore it was agreed by them all, that the Charge muſt be laid on him, to which he ſubmitted with great Averſion.

They reſolve the Duke ſhould be General, which he opoſed much.

The Parliament meets in *Scotland.*

In the beginning of *March* the Parliament ſate. Their firſt trouble was from the Remonſtrance, which the Commiſſion of the Kirk ſent them againſt Aſſociation with Malignants, and of the danger Religion was in; which Paper they intended to have printed, but with much difficulty this was ſtopped.

There were Commiſſioners ſent down from the Two Houſes (with whom Mr. *Stephen Marſhal* came) for Juſtifying their Proceedings, and keeping a good correſpondence with the *Scotiſh* Nation: and notwithſtanding all the Injuries done by them laſt Year, yet ſome of the Clergy, and of the Lords of their Party, were in a very good underſtanding with them. But firſt of all the Carriage of the *Scotiſh* Commiſſioners in *England* was approved in Parliament; next, there

there was a Committee of Eighteen appointed for preparing buſineſs, and to confer with the Commiſſioners of the Kirk, for givin gthem ſatiſfaction; which was a long and ſlow Work. *An.* 1648.

On the 14th of *March* the *Engliſh* Commiſſioners complained, that they heard there were Deſigns among ſome Malignants to ſeize *Berwick*, which they deſired theſe in *Scotland* would oppoſe; whereupon the Parliament referred it to the Committee of Eighteen to ſee to the Security of the Kingdom in that Affair, from which all the Members, who were of the Church-Party, diſſented: and againſt this Vote the Commiſſioners of the Kirk ſent in another Remonſtrance, becauſe they knew that Committee was ſo choſen that they would ſend Orders for the ſecuring of *Berwick*.

On the 22th of *March* the Committee of the General Aſſembly, commonly called the Commiſſion of the Kirk, gave in their large Paper conſiſting of a long Preamble and Eight Articles.

and find great oppoſition from the Miniſters.

THe firſt was, That before they went on to a War, the Grounds and Cauſes of it might be well cleared. Secondly, that the alledged Breaches of the Covenant and Treaties might be condeſcended upon, and Reparation of them firſt ſought. Thirdly, that there might be no ſuch Grounds of War, as might break the Union of the two Kingdoms, and diſoblige the Preſbyterians of England. *Fourthly, that none of the diſaffected or Malignant Party might be admitted to Truſt, but on the contrary that they ſhould be oppoſed and ſuppreſſed. Fifthly, that the Kings late Conceſſions might be declared unſatisfactory. Sixthly, that they ſhould engage not to reſtore His Majeſty to the exerciſe of His Royal Power, till He ſhould by Oath bind Himſelf and His Succeſſors to conſent to Acts of Parliament for confirming the League and Covenant, and ſettling Presbytery, the Directory, and the Confeſſion of Faith. Seventhly, that none might be truſted, but ſuch as were of known Integrity and good affection to the Cauſe. Eighthly, that the Church might have the ſame Intereſt in carrying on this Engagement, which they had in the Solemn League and Covenant.*

Theſe Demands run in ſo high a ſtrain, that thoſe of the Church-Party judged, either they would be rejected, and ſo the Church would pretend ſomewhat for their breaking with the Parliament; or if they were yielded to, it would ſo alienate the Hearts of the King, and all His Friends in *England* from them, that they would hate them as much as they did the *Engliſh* Parliament or Army. The Committee of Parliament found the Strait they were in, and ſaw what an unhappy practice it had been to give the Church-men ſo great an intereſt in Civil Affairs. Some were for briſker Courſes, and for clapping up in Priſon all the more turbulent Miniſters; but the Duke apprehended great trouble from that, fearing it ſhould raiſe ſtirs among the people, which might retard the deſign of the Kings Delivery, upon which all his thoughts were bent.

The hazard of intercepting Letters made the Intercourſe by them ſo ſlow, that the Lords that correſponded with His Majeſty had no Return from him before the beginning of *April*; and then they got that which follows.

An. 1648.

The King writes to his Servants in *Scotland.*

I Was as glad to ſee the conſtancy of your Reſolutions, as I was ſorry to underſtand the great Oppoſition you find in Your Undertakings. But as for any Enlargement concerning Church-affairs, I deſire you not to expect it from Me, for ſuch expectations have been a great cauſe of this My preſent Condition, which I aſſure you, I am ſtill reſolved rather to ſuffer than to wrong My Conſcience or Honour; which I muſt do, if I enlarge My ſelf any thing in thoſe points. But I take very well the freedom of your Advice, becauſe I ſee it flows from your Affection, being alſo confident that you will cheerfully and reſolutely go on according to your Engagements to Me, who am

17th March, 1648.

Your moſt aſſured, real, conſtant Friend,

CHARLES R.

And to this the Earls of *Lauderdale* and *Lanerick* wrote the following Anſwers.

SIR,

WE have received Your Majeſties of the 17th *of* March. *Nothing but the cruel ſlowneſs of Proceedings here would have made us ſo long ſilent, and that was occaſioned by the great Oppoſition we have met with from the Miniſters, and the rigid Perſons, who ſtrongly pretend Your Majeſties not ſatisfying in matters of* Religion; *and upon theſe grounds have gained upon many, and obſtructed any Engagement. Yet we, and thoſe we have intereſt in, are ſo ſenſible of our Duties, our Honour, and of Your Majeſties ſad Condition, (which goes nearer our Hearts than any earthly thing) that although an Engagement upon the terms we parted on be impoſſible; yet we ſhall either procure* Scotland's *Undertaking for Your Majeſties Perſon, or periſh, let the hazard or oppoſition be what it can. We can boldly ſay we have the Major Vote of the Parliament clear, and if we were bleſt with Your Majeſties Preſence the work were done. We dare not preſume in this troubleſom way to expreſs the particulars of our Difficulties or Reſolution, but hope ſhortly to give a more ſatisfactory account, having vowed to live and die*

22th. March. 1648.

Your Majeſties moſt humble, moſt faithful, and moſt loyal Subjects and Servants,

LAUDERDALE, LANERICK.

Lanerick alſo wrote what follows, taken from an imperfect Copy under his hand.

SIR,

An. 1648.

SIR,

I Have been long silent, and possibly should have been so a little longer, had I not received Your Majesties of the 17th *of the last Moneth; but lest I be involved in other mens Guilt, I must first speak and then perish, or do my Duty. Sir, at our first returning to* Scotland, *we met with a general Dissatisfaction with what you offered concerning Religion, from the Ministers and their Party; though all I have Interest in would have cheerfully hazarded their Lives for Your Majesties Preservation, upon these or easier terms: but after long Debate upon the Consequences of engaging in so great a Work, not only without Unanimity, but with the Opposition of the Church, and most of those who have been of greatest Eminence and Power during these late Troubles, this moved us to a willingness for a very extraordinary Compliance with their Desires, providing we might be assured of an Engagemennt. But now when we have gone a greater length than even our Loyalty can allow us, we find that nothing is intended by them, but either a Conjunction with those that seek your Ruine, or at least a dull and stupid Suffering, and enduring of those destructive Resolutions to Religion and Government, which are now designed by the Enemies of God and Your Majesty.*

After this there was a new Committee of 24 chosen by the Parliament for a Conference with the 12 Commissioners of the Kirk, who had many Meetings with them, and gave them satisfaction to all their Demands, so that all back-doors were shut, and they were ashamed that they had asked no more; wherefore being driven from all their Pretences they fled to the last starting-hole of Jealousie, and said that their Designs were contrary to their Professions. This was a tedious Affair, and cost many Conferences. In end great Offers were made to satisfie the Church-party, but nothing did prevail; whereupon the Committee drew up a large Declaration of all the Violations of the Covenant and Treaties made by the Two Houses, together with an account of their own Intentions, suitable to the Propositions made by the Ministers; only they stood much upon the sixth Article, that seemed most contrary to their Duty to their Sovereign, and it took them up many days; at length they yielded even to that: but for this the Reader is referred to the Declaration printed with the Acts of that Parliament.

The Parliament vote an Engagement for the King.

On the 25th of *April* the great Business was carried, of putting the Kingdom into a posture of Defence; but the account of the Procedure of the Parliament in this matter shall be set down from some of the Earl of *Lanerick*'s Letters, which the Writer chooses rather to insert than any Discourse of his own. The first was written to a Friend at *London*, but to whom it appears not.

Some of *Lanerick*'s Letters.

I Had given you an account of the Condition of Affairs here long ere now, had I known how to have addressed my Letters; and however this be an uncertain way, yet because possibly it may come to your hands, first, I shall acknowledge the receipt of yours the of the last Moneth, which I have in part obeyed, and to that end have written to Ireland, *to those I have interest in; and I am confident that our Army there, will follow our Advice in order to the Kings Service: but our Difficulties here are greater than you can imagine; for the same disloyal spirit that hath governed these years past, is yet so powerful as to obstruct, though I hope they shall not be able to destroy, our Designs of serving the King; and the same Instruments the Devil hath hitherto made*

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An. 1648. *uſe of, are ſtill the rigid Oppoſers of all dutiful Motions. Many amongſt us pretend to Loyalty, but have ſuch faint Hearts, and love their Fortunes ſo well, that they dare not act where there is danger: others have both Courage and Affection, but their Ambition will not allow them to act if they be not abſolute; and they have no power of themſelves, without a Conjunction with ſome of greater Eminence than themſelves. Thus while we are tearing our ſelves in pieces through Factions and Self-intereſts,* perit Saguntum, *our King is forgot, and may God forget them that do ſo. But though the Chancellour hath made a foul Defection, and theſe that pretend Affection to the King are not ſo united as they ought to be; yet I deſpair not but that with Gods aſſiſtance, in deſpight of all oppoſition, we will force an Engagement or periſh. I cannot deſcend to the Particulars, only this I will aſſure you, that all you have intereſt in are intirely right and reſolute. Adieu.*

The next of *Lanerick*'s Letters that are in the Writers hands, was to His Majeſty, dated the 13th of *April*, 1648.

OUr laſt was of the fourth of this Moneth, to be conveyed to you by Doctor Frazer. *In it did we ſhew you in general, what extraordinary Oppoſition we met with here in our Deſires to ſerve You, but ſome of them we are now got over: for to morrow it will be reſolved that the Kingdom ſhall be preſently put in a Poſture, and the whole Forces, or ſuch parts of them as ſhall be appointed, are to be ordered to be ready to march when they ſhall be required; and while this is doing, we have voted the ſending of three Demands to the Parliament of* England, *having found all the Articles of the Covenant, and divers of the Treaties, highly violated. The firſt is concerning Religion, wherein we are very high and full, knowing it will be refuſed, and we thereby obliged to reſent it: beſides, our Deſign is rather to fix the Denial thereof on them than on Your Majeſty. The ſecond is, that Your Majeſty may come to ſome of Your Houſes, in or near* London, *with Honour, Freedom, and Safety, where the Parliaments of both Kingdoms may make their Applications to Your Majeſty for obtaining a well-grounded Peace. The third is, that the preſent Army under the Lord* Fairfax *be disbanded, to the end that all the faithful Members of both Houſes may with Safety return to attend their Charges, the Parliament may Sit and Vote in Freedom, both Kingdomes, without their interpoſition, may make their Addreſſes to Your Majeſty, and the Settlement of Religion, and a common Peace, be no longer hindred nor obſtructed. Theſe Demands are to be ſent by a Meſſenger, who is to have a few days limited him for his Return. We are forced to move by theſe ſteps, which certainly will either ſpeedily procure Your Majeſties Freedom, or an Engagement. Our Oppoſition from the Miniſters doth ſtill continue; but many, formerly of their Party, are aſhamed of their unwillingneſs to all Duties, and particularly* Balmerino *who is* Lauderdale's *Convert.*

By the power of Perſwaſion our Army in Ireland *hath offered their Service to us, which may be of excellent uſe many ways.*

Thus, Sir, you have the true Condition of Affairs: but as we proceed (which I confeſs is in a moſt horrid dull pace) I ſhall ſtill preſume to give You an account of it as a part of our Duty.

Great Endeavours are uſed by ſome, that we may again ſend our Deſires concerning Religion to Your Majeſty; for their zeal will not allow them to hazard their Lives for Your Perſon, who will (as they ſay) no ſooner be at Liberty, than you will deſtroy all that they have been doing (with the hazard and

expence

expence of ſo much Blood and Treaſure) for Religion. But this is as yet waved, and forced Conceſſions (ſuch as certainly thoſe muſt be while Your Majeſty is in Priſon) are alledged, can bring but ſmall Security to Religion. An. 1648.

The next of the 18th of *April* was to a Friend at *London*.

I Had reſolved upon eternal Silence, ſince I could not but be wrapped in the guilt of others for their diſloyal Delays, nor ſhould the receipt of yours of the 10th *Inſtant have invited me to have broke that Reſolution, had not this days Proceedings in Parliament revived my languiſhing Hopes. I ſhall not mention any thing of my laſt Diſpatch upon Friday by* Iſher; *but this day we have paſt in Parliament the great Act of putting this Kingdom into a poſture of Defence, under pretence whereof we mean to raiſe our Army: the Colonels and Committees of War in ſeveral Counties are to be named on* Friday *next. Beſides this we have preſented to the Parliament a large Declaration to be emitted to the Kingdom, containing the Breaches of Covenant and Treaties, the Demands which upon them we mean to make to the Houſes, and our Reſolutions in caſe of a Refuſal. I confeſs it is clogged with many Impertinencies, to which we are neceſſitated for ſatisfying nice Conſciences; yet it drives at a right end.* Argyle *and the Miniſters are ſtill uncapable of Satisfaction, and with horrid violence oppoſe all Loyal Motions: and though the Chancellour hath intirely deſerted us, and not only joyned with them, but endeavours by all means imaginable to divide us among our ſelves; yet we are both fixed to our Principles and Friendſhips, ſo that in deſpight both of Apoſtacy and Knavery we carry on the Work. I confeſs it is neither in ſo quick nor ſo prudent a way as is fit, and that we have already loſt our greateſt advantages; yet we can never move ſo late, but that we will make our ſelves conſiderable. We hear there are ſtrong endeavours to ſeparate His Majeſty from our Intereſts: I confeſs we deſerve no better from him, yet poſſibly he may find it not unfit to own us, even though we do not him as we ought. This I ſwear, I urge more out of my Duty to Him, than kindneſs to our ſelves.*

The next was of the 24th of *April*. 1648.

SInce my laſt to you I have received yours of the 18th *and* 22th *of the laſt Moneth. We have made an indifferent good progreſs in our Parliament here, for we have ſtated all the Breaches of Covenant and Treaties: we have reſolved upon ſome Demands to be ſent to the Houſes of Parliament, for Religion, for His Majeſty, and for Diſbanding of the preſent Army of Sectaries; and we have preſſed a Declaration, containing the Grounds of our Reſolutions. In order to all theſe, we likewiſe Voted the preſent putting of this Kingdom into a poſture of War, and this Week we are to nominate and make choice of all the Officers of our Army. The Church doth ſtill violently oppoſe us, and threatens us with croſs Declarations, if not the extremity of Church-Cenſures.* Argyle *and his Party maintain them in their Obſtinacy, or rather they do him in his Diſloyalty: but neither the fear of their Curſes, nor want of their Prayers can fright us from our Duty, ſo ſoon as we are ready to act, which poſſibly may be ſooner than you imagine.*

The next was of the 28th of *April* to His Majeſty.

My

An. 1648.

MY laſt to you was of the 13th *of this Moneth by the Conveyance of Doctor* Frazer. *Since that time we have perfected what was then deſigned: for we have made choice of all the Officers of our Forces, wherein we have been forced to ſpend much time; and the next Week we intend to model our Army for* England, *which we hope ſhall be upon the Borders againſt the* 21th *of the next Moneth; which is the time limited for the Return of our Meſſenger from* London, *who this day parts from hence with the three Demands to the Houſes of Parliament, wherof my laſt made mention, and with a poſitive Command to ſtay only* 15 *days for his Anſwer. We intend likewiſe in the beginning of the next Week to diſpatch Sir* William Fleming *to the* Queen *and* Prince, *to give them an account of our Proceedings, and to know his Highneſs's Reſolution concerning his coming hither, and to deſire the preſent ſending of Arms and Ammunition to us, whereof we are abſolutely unprovided; ſo that if the* Queen *or* Prince *of* Orange *(to whom we beg Your Majeſty would write) do not ſupply us, it will infinitely retard the Service. We have paſſed a Declaration, which is full of many rude Reſtrictions both in order to Your Majeſty, and Your faithful Servants.*

But we are forced to them for the ſatisfaction of the Nice Conſciences of the Clergy, and their Proſelytes, whom we find ſtill ſo inflexible, that nothing can perſwade them to a Conjunction with us in the Work; on the contrary we meet with all imaginable Oppoſition from them: yet as we have carried the Declaration and all that is yet done, againſt their ſtrongeſt Endeavours; ſo we hope, in deſpight of them, to be Inſtruments in accompliſhing the chief end it drives at, which is Your Majeſties Reſt and Reſtauration. Our next will certainly bring you the Knowledg of ſome Acting in order to that which we dare not hazard to this Cypher, leſt there may be more Copies of it than what we have with Your Majeſty.

Jealouſies of the *Scotiſh* Proceedings.

The ſlowneſs of their Motions in *Scotland* begun to give great Jealouſies of their Proceedings every-where.

At *Paris* the *Prince* was much courted to go to *Ireland*, but he reſolved rather to go to *Scotland*, and deſigned to go firſt to *Holland*. Yet there were ſome about him, who ſtudied to give him ill Impreſſions of all that paſſed in *Scotland*, grounding them on the old Calumnies that had been caſt on the Duke, and on the ſlowneſs of their Procedure at that time in *Scotland*, together with the extraordinary Cajolery they gave the Church-party: all which were made uſe of for alienating his Highneſs from that Reſolution. But he reſolved to obey the Kings Commands, and ſent them new Aſſurances of that by Sir *William Fleming*; and to oblige the Duke the more, a Book being dedicated to his Highneſs, containing ſome paſſages much to the Dukes diſhonour, he refuſed to accept of it, and ordered it to be called in.

While things were thus preparing in *Scotland*, His Majeſty in the Iſle of *Wight* was contriving an Eſcape, being reſolved if it ſucceeded to have come to *Scotland*; but the means failed oftener than once, which being diſcovered made his Priſon the ſtraiter. He was alſo courted under hand with new Propoſitions from the Parliament of *England*, but refuſed to enter into any Treaty without the Concurrence of the *Scotiſh* Nation. Yet it troubled him much to hear no more of the progreſs of their Deſigns, on which all his Hopes were then ſet; for in that diſorderly time, it was not eaſy to tranſmit frequent

quent and clear accounts of all that paſſed. At length having under- *An.* 1648.
ſtood from *Scotland* what advance was made in that Affair, he was ſatisfied with the Fidelity of thoſe he had imployed there.

At *London* there went various Conſtructions on the *Scotiſh* Actions. The Commiſſioners of the Two Houſes that were at *Edinburgh*, wrote up, that the Church-party would undoubtedly keep the Duke and his Party in play at leaſt that Year, and that the zeal of the Miniſters would make the Levies go ſlowly on; they either believing this themſelves or at leaſt deſigning that others ſhould do ſo. At this time there was a great Inclination all over *England* to ſhake off the Armies Arbitrary Yoke; Stirs were riſing in every place. The Duke with his other Friends in *Scotland* dealt earneſtly with their Correſpondents in *England*, to get all kept quiet till they were ready to march, that ſo there might be an univerſal Riſing at once, which would have undoubtedly divided the Army that was againſt them into ſo many Fractions, as might make way for their eaſier Overthrow. This Deſign was zealouſly promoted by many, who ſaw the great advantage it might produce; but many were too jealous of the *Scotiſh* Deſigns, and ſo did precipitate their own Ruin. Others apprehended from their Declarations, that the Bondage would be the ſame, only the Maſters changed if they prevailed; and this made the Kings Party reſolve rather to periſh than receive any help from the *Scots* on theſe terms. Their ſlowneſs made others deſpair of their Sincerity, and the reports of the Power of the Church-party, made all ſuſpect their Strength: ſo the untimely Riſing in *England* was the Ruin of this Years Deſign, for they roſe only to be deſtroyed, and to animate the Army with thoſe many Victories they obtained over them. And as theſe Defeats did much diſcourage the *Scotiſh* Army, ſo it forced them to march into *England* before they were ready, and e're they had looked well to the Security of Affairs behind them. The firſt Riſing was by *Poyer* in *Wales*, to whom *Langhorn* came within a little, and Commanded moſt of the Country. Great Diſorders in *England*.

At *Weſtminſter*, as they underſtood the ſtate of the *Scotiſh* Affairs better than the Rabble did, ſo they did more apprehend the Danger of it. And firſt, great pains were taken to reconcile the *Presbyterian* and *Independent* Parties, at leaſt to unite them againſt the *Scots*; wherefore they Voted, *that the Government ſhould be by King, Lords, and Commons:* yet the *Independents* oppoſed this, ſo that it was carried but by 45 Voices. They alſo appointed that the Propoſitions offered at *Newcaſtle* ſhould be the Grounds of ſettling the Kingdom, and they Voted that it ſhould be lawful, notwithſtanding the *Vote of Non-Addreſſes*, to make new Applications to His Majeſty. Their Deſign in this was viſible, for they hoped the *Scots* could not paſs from theſe Propoſitions, and they were aſſured the King would never conſent to them, particularly to that of Religion, which was ſo dear to *Scotland*. But *Cromwel* was not at all pleaſed with theſe Votes, and as little with the City: and if the Stirs over *England* had not given him other Employment, he would have made a Journey to *London* with his Army, for the Purging the Houſe a-new.

They in *Scotland* were much ſtraitned with want of Ammuniti- on and Mony, therefore they ſent Sir *William Bellandin* to *Holland*, to ſee what could be had from the *Prince of Orange*: they like-

An. 1648. wiſe ſent Sir *William Fleeming* to *Paris*, to the *Queen* and *Prince*, with the following Letters.

Letters to the *Queen* and *Prince* from the Duke and his Friends.

May it pleaſe Your Majeſty,

ALL verbal Aſſurances would juſtly appear too low and mean teſtimonies of our Fidelity, ſince Actions are now the only touch-ſtones of Loyalty; which we hope e're long ſhall be better, than what we can in this Common way ſpeak of our real Affections to His Majeſties Service.

We have preſumed from the Encouragements we have received from Your Majeſty, to hope the Prince *his Highneſs will countenance our Endeavours for his Father's Reſcue with his preſence amongſt us, which would certainly give an extraordinary vigour and life to all our Motions. For that end, we have inſtructed this worthy Bearer with our humble deſires therein to Your Majeſty, and to his Highneſs, and with ſuch other Particulars as are neceſſary for enabling us to carry on the Work; to whom we beg Your Majeſty would be pleaſed to give Truſt, and further to believe that nothing was ever more abſolutely fixed than are our Reſolutions, either to periſh, or eminently to ſhew our ſelves*

May 1ſt. 1648.

Your Majeſties moſt humble, moſt faithful, and moſt obedient Subjects and Servants,

Hamilton, Lauderdale, | Crawford, Lanerick, | Roxburgh, Calender.

May it pleaſe Your Highneſs,

THe deep ſenſe we have of His Majeſties ſad Condition, invites us to theſe Actions of Duty and Loyalty, to which we are by ſo many Relations and Tyes bound and obliged; and having divers Encouragements from His Majeſty, and from the Queen, to hope for your Highneſs's Preſence amongſt us, in countenancing our faithful Endeavours for His Majeſties Reſcue, we have preſumed humbly to addreſs our ſelves to your Highneſs; that from your Self we might know your own Inclinations, that accordingly ſuch publick Aſſurances and Invitations may come from hence, as your Highneſs ſhall think fit to require; being confident that before we can receive your Highneſs's Directions herein, we ſhall be in ſome condition to evidence our Loyalties otherwiſe than by Words. So until we give a more real teſtimony thereof, we ſhall only beg to be eſteemed of by your Highneſs as Perſons that have vowed themſelves to this Service, and who are faithfully

May 1ſt, 1648.

Your Highneſs's moſt humble, moſt faithful, and moſt obedient Servants,

Hamilton, Lauderdale, | Crawford, Lanerick, | Roxburgh, Calender.

Next they modelled the Army, which will better appear by the following Letters written to the King.

SIR,

An. 1648.

SIR,

YOu now find the effects of what my laſt of the 28th *of* April *promiſed: we are now engaged, and Sir* Marmaduke Langdale's *ſucceſsful Attempt upon* Berwick *and* Carliſle *will be reſolutely ſeconded by Your Servants here. To morrow Sir* William Fleeming *and Mr.* Murray *part for* France; *the laſt acknowledges the baſeneſs of his new Friend* Argyle. *We hope the Prince will now countenance with his Preſence our Endeavours for Your Majeſties Reſcue, ſince the Duke of* York *is eſcaped, for he will give an extraordinary life and vigour to all our Motions. The Kirk hath this day declared againſt our Declaration and Engagement; but all it hath procured is a Vote of thirty thouſand Foot, and near ſix thouſand Horſe, which is this day remitted to the Conſideration of the ſeveral Bodies, and I hope will paſs the Houſe to morrow.* Letters to His Majeſty.

2d May. 1648.

SInce my laſt we are far advanced in our Deſigns of ſerving Your Majeſty; our new Army is modelled, which I hope will be more conſiderable than any Army that ever went out of Scotland; *the Old General hath laid down his Charge, and the Duke of* Hamilton *is to Command in chief, who joys to meet with ſo happy an occaſion to vindicate his Loyalty. He will be found active in his Truſt, and ſeconded by the moſt gallant and eminent perſons of the Kingdom; his Election was carried very unanimouſly in Parliament,* Argyle *and only ſix with him diſſenting.* Calender *with the ſame Unanimity, and the ſame Oppoſition, is choſen Lieutenant-General, and* David Leſley *Lieutenant-General of the Horſe; but he hath not as yet accepted of his Charge.* Middleton *is appointed Major-General of the Horſe, who is moſt eminent for his Loyalty and forward in this Service. Our Armie will be on foot about the end of the Moneth, and that the Raiſing of men may the more actively be gone about, we have adjourned the Parliament till the firſt of* June. *We have ſent Commiſſioners with Inſtructions and Money, to invite our Army in* Ireland *to come and joyn with us in this Service. Our Oppoſition from* Argyle *and the Miniſters is ſtill as great as they can make: we are undone for want of Arms, and a little Money; if we be not ſupplied from* France *or* Holland, *this glorious and moſt hopeful Undertaking that ever this Nation had, may be in hazard to miſcarry. Sir* William Fleeming *and Mr.* Murray *went ten days ago for* France, *and this day we have diſpatched Sir* William Bellandin *to* Holland. *We are much dejected becauſe we have not heard from Your Majeſty ſince the* 17th *of* March, *which makes us fear You involve us in the Guilt of the by-paſt deadneſs, and ſlowneſs of their Motions here: but we take God to witneſs, we are as free thereof, as we ſhall be faithful to the Vows we have made of periſhing, or of ſerving Your Majeſty in ſuch a loyal and dutiful way, as hath been profeſſed by*

17th May. Your Majeſties, &c.

The Differences that were among the Lords were adjuſted, and moſt of the Officers were alſo well named; yet the Levies went on dully, though many of the Lords were ſo cordial, that they who had The Levies are much retarded by the Miniſters.

An. 1648. allowance from the Publick but for 80 Horſe, raiſed Regiments of five or ſix Troops on their own expences. And though it is not to be imagined, that the publick Expence of ſo great a Deſign was not likewiſe great, yet there was a ſad want of Money; which the Duke and his Brother did all they could to ſupply, as far as their Credit could go, and raiſed above two and twenty thouſand pounds ſterling for proſecuting of the Engagement; and were on all publick occaſions ſo liberal of their own Money, as if ſome Bank had been put into their hands.

The Curſes the Miniſters thundred againſt all who joyned in this Engagement, made the Souldiers very heartleſs, being threatned with no leſs than Damnation. This obliged the Lords to uſe Force in ſome places, for carrying on their Levies: and indeed the Miniſters counter-acting the State was ſuch, that it is hard to judge, whether their Boldneſs or the Parliaments Patience was moſt to be wondred at. The Lords reſolved to chaſtiſe them to purpoſe in due time, but judged the preſent time improper for it; and to carry on the Levies the better, the Parliament adjourned for three weeks. So the Lords went to the ſeveral places of their Intereſts, leaving a Committee behind them at *Edinburgh*; but before their Adjournment they wrote the following Letter to the Preſbyteries.

The Parliaments Letter to the Presbyteries.

THe many Scandals that are thrown on our Actions by the favourers of Sectaries, and haters of the Perſon of our King and Monarchical Government, invite us to this extraordinary Addreſs to you, conjuring you as you will anſwer the Great God, whoſe Servants you are, not to ſuffer your ſelves to be poſſeſt with unjuſt and undeſerved Prejudices againſt us, and our Proceedings, who have (ſince our late Meeting in Parliament) preferred no earthly thing to Religion, and the promoving all the ends of our Covenant, and have conſtantly uſed all real Endeavours to have carried on theſe Duties, to the ſatisfaction of the moſt tender Conſciences; and eſpecially by our great Compliance with the many Deſires from the Commiſſioners of the General Aſſembly, we have proceeded to greater diſcoveries of our Reſolutions in the ways and means of managing of this preſent Service, than poſſibly in prudence we ought to have done, having ſo near and active Enemies to oppoſe us: neither can it with any Truth or Juſtice in any ſort be alledged, that we have in the leaſt meaſure wronged or violated the leaſt Priviledges and Liberties of the Church, or taken upon us the determination or deciſion of any matters of Faith or Church-diſcipline, though we be unjuſtly charged with making an Antecedent Judgment in matters of Religion, under pretence whereof great Encroachments are made on our unqueſtioned Rights; for what can be more Civil than to determine what Civil Duties we ought to pay to our King, or what Civil Power he ought to be poſſeſſed of? and if we meet with obſtructions and oppoſition in carrying on theſe Duties, are not we the only Judges thereof? is there any other Authority in this Kingdom but that of King and Parliament, and what flows from them, that can pretend any Authoritative Power, in the choice of the Inſtruments and Managers of our Publick Reſolutions? is it a Subject for the Diſpute of Church-Judicatories, whether His Majeſty have a Negative Voice or not? Theſe things certainly cannot be pretended to by any Kirk-man, without a great Uſurpation over the Civil Magiſtrate, whereof we are confident the Church of Scotland, *or any Judicatory thereof, will never be guilty, nor fall into.*

into the Epiſcopal diſeaſe of meddling in Civil Affairs; and if any have already in theſe Particulars exceeded their bounds, we expect the enſuing General Aſſembly will cenſure it accordingly, and prevent the vilifying and contemning the Authority of Parliament by any of their Miniſters, (either in or out of their Pulpits) who ſhall offer to ſtir up the Subjects of this Kingdom to diſobey, or deny to give Civil Obedience to their Laws, it being expreſly prohibited by the 2 and 5 Acts of King James *the ſixth, his eighth Parliament* Anno 1584. *That none of His Majeſties Subjects under pain of Treaſon impugne the Authority of Parliament. And therefore, ſeeing the Cauſe is the ſame for which this Kingdom hath done and ſuffered ſo much, and that we are reſolved to proceed for the Preſervation and Defence of Religion before all wordly Intereſt whatſoever, and to carry on ſincerely, really, and conſtantly, the Covenant and all the Ends of it, as you will find by our Declaration herewith ſent to you, we do confidently expect that as the Miniſters of this Kingdom, have hitherto been moſt active and exemplary in furthering the former Expeditions: ſo now you will continue in the ſame Zeal to ſtir up the People, by your Preaching and Prayers, and all other ways in your Calling, to a chearful Obedience to our Orders, and Engageing in the buſineſs; that you will not give ſo great advantage to the Enemies of Presbyterial Government, and bring ſo great a Scandal on this Church, as to oppoſe the Authority of Parliament, or obſtruct their Proceedings in their neceſſary Duties, for the good of Religion, Honour and Happineſs of the King and his Royal Poſterity, and the true Peace of His Dominions.* An. 1648.

Edinburgh, May 11, 1648.

Signed by Order of Parliament.

Alex. Gibſone Clerk Regiſt.

The Parliament having reſolved to raiſe an Army for the Kings Relief, found it expedient for encreaſing the number and ſtrength of their Forces, to ſend to *Ireland* for a part of their *Scotiſh* Army there; (which, as was told *An.* 1642, had been ſent from *Scotland* thither by Commiſſion from the King under the Great Seal, and upon a Treaty, and Eſtabliſhment betwixt the two Nations for ſuppreſſing the *Iriſh* Rebellion) and for perſwading them to deſert, for ſo Noble an Undertaking; their Intereſt in *Ireland* which was very conſiderable, (for there was above ſeven hundred, and ſeventy thouſand pound ſterling of Arrear reſting to them, upon a ſtated Accompt fitted by Perſons intruſted by the Parliament of *England*, and Commiſſioners from them, preceding the 16th of *June*, 1647 beſides a year more until *June* 1648 not at all reckoned) they ſent over three of their number, two Knights, Sir *James Macdougal*, and Sir *William Cocheran*, (now Earl of *Dundonald*) and Mr. *Crawford* Burgeſs of *Linlithgow*, with Letters and Inſtructions to that purpoſe. They were kindly received by ſuch of the Officers as had chief Power there; but moſt unwelcome to a contrary Party, who had notice how averſe the Kirk, to which they were addicted, had declared themſelves from the Deſigns of that Parliament; nevertheleſs it was quickly agreed to, that about twelve hundred Horſe, and two thouſand and one hundred Foot, ſhould be provided and regimented, and tranſported to *Scotland*, to be conducted by Sir *George Monro*, in the quality of a Major-General, and to be joyned with the Dukes Armie. The Parliament ſends for the *Scotiſh* Army in *Ireland*.

At

An. 1648. At *Weſtminſter* they were in great Confuſion, fearing that the General inclinations over *England* ſhould prove too hard for them: but Mr. *Marſhall*, who was ſent back from the *Engliſh* Commiſſioners in *Scotland*, comforted them the beſt he could, giving them all aſſurance that the Deſigns there would meet with vigorous Oppoſition: wherefore it was moved that ſome of the Forces might be preſently ſent down, before the Army were drawn together, who might hope for good Aſſiſtance in *Scotland*. But he alſo told them, that nothing would be ſo likely to divide them in *Scotland*, as to declare for the Covenant, and the Propoſitions ſent to *Newcaſtle*: and indeed this was much dreaded by the Duke and his Friends, ſince there was nothing ſo popular in *Scotland*, as that the Parliament and Army of *England* had fallen from the Covenant; but they reſolved, though that were granted, to accept of no Treaty till the Army were preſently disbanded, for which the former Years Tranſactions did furniſh them with very good reaſons. Mr. *Marſhall* did what he could to reconcile the Presbyterians and *Independents* in *London*; and that they might not fall out about Religion, it was Voted, that the Kingdom ſhould be firſt ſettled before Religion was fallen upon. The City of *London* was generally well-affected to the *Scotiſh* Deſign, though ſome ſtudied to alienate them from it, by telling them that thoſe in *Scotland* were in Correſpondence with the Cavaliers in *England*. The City was inconſtant, and the Citizens feared the Armies falling on them to plunder them, ſo that they were eaſily over-awed; and at that time the Agitators of the Army were upon the Fining of the City in a Million of *Engliſh* Mony.

Great Diſorders in *England*.

A general Anſwer was returned to the *Scotiſh* Demands by the day they had prefixed, with the Promiſe of a more particular one to follow ſhortly; which was looked on as a Deſign to ſhift them off by Delays. At this time the Two Houſes were much lifted up with a Defeat given to *Langhorn* in *Wales*, which was repreſented to be greater than indeed it was. But to allay their Joy, there came in Petitions from many Counties of *England* for a Perſonal Treaty with the King, and for being diſburdened of the Army: one came from *Eſſex*, which was ſubſcribed by twenty four thouſand Hands; and eight thouſand men came out of *Surrey* with their Petition, upon whom the Souldiers fell barbarouſly, and killed about Twenty of them, wounding above an Hundred. Next the *Kentiſh* men roſe in a formidable number; but it was more terrible that the Navy was ſtaggering, and many of the Captains of the Ships declared againſt their Proceedings. This was ſad News for *London*, by reaſon of their Trade, which was like to be blockt up. And now *Cromwel*, to pleaſe the City of *London*, drew the Forces out of it, and left the *Militia* of *London* in their own Hands; only he got *Skippon*, who was of their own Cabal, made Major-General of their Trained Bands: and there was no ſmall Diſorder in the Army, the Agitators being for the moſt part Levellers, and againſt *Cromwel*, as was by ſome ſuppoſed.

A Faſt at *Weſtminſter*.

With all this Tragical viſage of things they at *Weſtminſter* were not a little mortified, ſo they appointed a Day of Humiliation; and when they were naming the reaſons for the Faſt, one of the Members had a ſingular opinion, that notwithſtanding the Self-denying Ordinance they had paſt, yet they had ingroſſed all Places of Power and Profit to them-

themſelves, by which Juggling God was mocked; wherefore he moved that they might deveſt themſelves of theſe: but the reſt were not of his mind. And if three Sermons and a great many long Prayers would reconcile God to them, they would be at the coſt; but were reſolved to quit none of their Power nor Places. All theſe Tumults in *England*, as they had hindered the Two Houſes from ſending down their Forces to *Scotland*; ſo they called aloud for haſty Relief from the *Scotiſh* Army, which from all places was called for. But the Oppoſition the Clergy and their Party made, had ſo fore-ſlowed their Levies, that they could not overtake this fair opportunity; but were forced to leave the poor People in *England* to be knockt down by the inſulting Army. *An.* 1648.

The Parliament of *Scotland* re-aſſembled in *June*, and after few days Sitting, and the emitting of new Declarations both for *Scotland* and *England*, but of a milder ſtrain than their former of *April* had been, (being now weary of their hopeleſs courting of the Clergy) they adjourned for Two Years, having choſen a Committee of Eſtates ſure to their Deſigns; and they were drawing their Army together with all poſſible diligence. The Parliament adjourns.

But the great matter now debated in *Scotland* was, whether they ſhould firſt make all ſure at home, or leave things in that diſordered poſture, and make haſte into *England*. *Lanerick* was for taking order with the Oppoſite Party, and the Lords that headed them, before they ſtirred out of *Scotland*, leſt otherwiſe aſſoon as they were gone, the Miniſters might blow up the People into Sedition, which would either force them to ſend back a part of their Army for curbing them, or loſe *Scotland* totally by their Tumults, while their Army ſhould be ſtruggling with an uncertainty in *England*. Beſides, they were neither well-furniſhed with Arms, Ammunition, nor Mony, but had good Aſſurances of large Supplies from the Queen and Prince, by Sir *William Fleeming*; and the Prince (though much diſſwaded by theſe who were both Enemies to the *Scotiſh* Nation in General, and the Duke in particular) continued ſtill firm to his firſt Reſolutions of going to them, when all things were brought to that Poſture, that it were fit for him to hazard himſelf amongſt them: and therefore in the middle of *June*, Sir *William Fleeming* was diſpatched again from his Highneſs to *Scotland* with the following Letter, directed, A preſent March is diſſwaded by ſome,

For the Lord Duke *Hamilton*, and the Earls of *Lindſay*, *Roxburgh*, *Lauderdale*, *Lanerick*, and *Calender*.

My Lords,

YOu will receive by Sir William Fleeming, *who is amply inſtructed, the full account of My Intentions; and he is not more particularly charged with any thing, than to let you know the ſenſe I have of Your Affections: yet I thought fit to reſerve unto My Self the aſſuring you, that as I conceive I am not capable of being more obliged than I have been by you; ſo I ſhall be*

moſt

An. 1648. *moſt exactly juſt in the diſcharge of my Acknowledgments, when it ſhall pleaſe God to make My Condition fit for it. In the mean time I have nothing to ſay, but to deſire you to be intirely confident of it, and that I am moſt truly,*

My Lords,

Your Affectionate Friend,

CHARLES P.

Sir *William Bellandin* met with more Oppoſition in *Holland*, for Judgments were paſſed on the *Scotiſh* Proceedings from their Declarations; and all he could ſay was not able to take off thoſe Impreſſions, ſo that no good was expected from *Scotland*. The States of *Holland* had no great inclination to the Kings Party, and the Prince of *Orange* was at that time much influenced by the Dukes Enemies; yet *Bellandin* got many promiſes made him of a large ſupply of Mony and Ammunition.

but much preſſed by others.

Upon theſe Expectations the Earl of *Lanerick* was againſt a ſpeedy March into *England*; but this was oppoſed by the Earl of *Lauderdale*, who preſſed a preſent Diſpatch. They were called upon ſo earneſtly from their Friends in *England*, that to linger ſtill was to loſe the Kings Party there: for now the *Kentiſh* men were broken, and ſome of them had paſſed over unto *Eſſex*, where many roſe with them, and carried *Colcheſter*, and made a good Body both of Horſe and Foot, but were not able to hold out long againſt the Army; yet they gave them divers foils. But that of the greateſt Importance was, that moſt of the Navy had declared for the King, and deſired a Correſpondence with *Scotland*, and *Willoughby*, who was made Vice-Admiral by the Prince, was a great Friend to the *Scotiſh* Nation. The Earl of *Inchequin* alſo, with his Army in *Ireland*, had declared againſt the Parliament, and ſent to *Scotland* a very kind Meſſage for a good Underſtanding with that Parliament: and finally, a part of the *Engliſh* Army, being much ſollicited by the Church-party in *Scotland*, who complained that they were now expoſed by them to Ruin, was coming North-ward, under the Command of *Lambert*; and *Langdale* had written to them, that he could not be able to ſtand long before *Lambert* if he were not ſpeedily relieved, and that *Carliſle* alſo would be in great hazard: neither was the hazard only the loſs of *Carliſle*, of which they made leſs account; but the Army which was with *Langdale*, whoſe Wives and Children were in *Carliſle*, did threaten to leave him and Capitulate if that Place were not preſerved. Beſides all this, they at *Weſtminſter*, to temper the general Hatred againſt them, had called back the Secluded Members of both Houſes, and were Levying new Forces, and had Voted a Perſonal Treaty with the King; at which time alſo one *Oſburn* avouched, that there were Deſigns againſt the Kings Perſon, and that himſelf had been ſollicited to aſſiſt in the poyſoning him. All theſe Conſiderations were preſſing, and could admit of no delays; wherefore *Lauderdale* inſiſted for a preſent March, and that the Dukes Carriage

riage might ſhew it was the Kings Service, and not a Faction, he was deſigning, nor Reſentments againſt theſe who withſtood him in *Scotland*: for ſo did *Lauderdale* miſtake *Lanerick*'s advice for curbing of the Church-party, and puniſhing their Leaders. *An.* 1648.

The Duke ſaw great reaſon on both ſides, and, though his own Judgment went along with his Brothers Advice, knowing well it was eaſie for him to have forced all *Scotland* very ſoon into a Compliance with their Deſign; (which being once done, he could have marched into *England* upon greater advantages, and with a far better Army) yet he was content to be over-ruled, believing that if they were proſperous in *England*, upon which depended all their hopes, it would be no great Work to Maſter any Oppoſition might be made in *Scotland*. And thus did the unripened forwardneſs of thoſe in *England* force the Duke on a fatal Precipitation of Counſels. The reſolution was taken, and a General Rendezvous appointed to be at *Annan*, near the Borders of *England*, on the 4th of *July*. and is reſolved on.

All this while my Lord *Lanerick* had not forgotten the Kings Commands about the Marquis of *Huntley*, but the ill Opinion the Churchmen had of them, was ſuch, that to have proceeded roundly in that matter, would have given greater grounds of Jealouſie to that Party: therefore the *Junto* ſent him word to the Caſtle of *Edinburgh*, where he was then Priſoner, that though at that time it was not fit to ſet him at liberty by an Order, yet they were willing he ſhould make his Eſcape, and they offered their Aſſiſtance for conveying him ſafe away. But he ſaid he was brought thither by Order, and he would not ſteal out as a Thief: and from this fatal ſtiffneſs they could not get him removed, yet they reſolved to liberate him openly when they ſhould be better able to avow their Actions.

The Oppoſition the Church-men made to the Raiſing of the Army, did ſtill retard the Levies and diſcourage the Souldiers, though the Officers were generally reſolute. Some Forces were ſent Weſt-ward, under the Command of Sir *James Turner*, to keep that Country quiet, who found a little Authority vigorouſly managed did quickly tame ſome of the moſt unruly. But at *Mauchlin* there was a great Gathering under the Colour of an Aſſembly to a Solemn Communion, and many went thither Armed, pretending hazard from the danger of that time. *Turner* got notice that an Inſurrection was deſigned there, and advertiſed the Duke of it, who ordered *Turner* not to ſtir till the Earls of *Calander* and *Middleton* ſhould come to aſſiſt him; who came to *Paſely* on the *Saturndy* before that Communion, they drew out the Forces that lay there, conſiſting of two Regiments of Foot, and fourteen Troops of Horſe, and marched to *Steuarton*, where the Earl of *Glencairn* and others of the Nobility met them. Some adviſed a March of the whole Forces, others thought a few Troops were ſufficient for diſperſing that Multitude; whereupon *Middleton* was commanded out with ſix Troops, who found them near two thouſand ſtrong, Horſe and Foot; but being ill-commanded, they were ſoon diſordered. *Middleton* and *Hurry* gave the Charge, and were briskly encountered; ſo that they were made to retreat with the loſs of ſome men, and both *Middleton* and *Hurry* got ſlight Wounds: but the Party that had given them this rude Shock, having cleared a way for themſelves, made their Retreat. The report of this Diſorder was brought hot to *Calender*, who leaving the An Inſurrection at *Mauchlin*.

An. 1648. Foot at *Kilmarnock*, went with the eight Troops he had with him to aſſiſt *Middleton*; but upon his appearing all run away. The Horſe were not purſued, ſixty Foot Souldiers were taken, and five Officers, and ſome Miniſters, who were all diſmiſſed: only the Officers were condemned to dye by a Council of War, but were afterwards pardoned by *Calander*.

Some Forces were ſent towards the Borders.

After this, before a General Rendezvous was poſſible, the Duke for animating thoſe of *Carliſle* who began to be ſore put to it, ſent Collonel *Lockhart* with ſome Regiments of Horſe to lye at *Annan*, and Collonel *Turner* with five or ſix Regiments of Foot to lye at *Dumfrice*, hoping thereby to hinder *Lambert* from coming near *Carliſle*, wherein his expectation did not fail him; for no ſooner came *Lockhart* to *Annan*, but *Lambert* drew his Troops nearer, and Sir *Marmaduke Langdale* got air a while, for Proviſion both for his Men and Horſes, and againſt the day appointed the General came from *Edinburgh* to *Annan* with *Calander*, *Middleton*, and *Baylie*, and ſeveral Regiments of Horſe and Foot. *Turner* alſo came to him from *Dumfrice* with the Regiments that lay there, and ſome Ammunition, and abundance of Meal, that had been ſent from *Edinburgh*: but before I go further, a little muſt be premiſed of the ſtate of the Army, and of thoſe who commanded it.

The Army enters *England*.

The chief Officers of the Army.

The Duke was General, of whom I find an old experienced Souldier, who ſerved under him, paſſing this judgment, *His Conduct of Forces was as good as that of any under his Command, without exception; but it was his Fate (I dare not ſay his Fault) in Military matters, as was his Maſters in Political Affairs, not to truſt to his own Judgment, but to the Judgments of others, though inferiour, (as all the World knew) to their own:* and to this Character all with whom the Writer ever ſpake, who ſerved in that Army, did agree.

Calander's Character.

The Lieutenant-General was the Earl of *Calander*, who was bred from his youth a Souldier in the Wars of *Germany*, and the *Low-Countries*, where he long commanded a Regiment of *Scotiſh* Foot, and had gained (deſervedly) the reputation of a man of great Courage; and underſtood well the *Dutch* Diſcipline of War, which he obſerved with a ſtrictneſs that ſeemed not free of Affectation. The promptneſs of his Deportment, and the Authority he uſually took on him, being judged far beyond his skill in the Conduct of an Army, he was made Lieutenant-General of the *Scotiſh* Army, that went againſt the King under General *Leſley*, *Anno* 1640: and joyned with *Montroſe* and the other Noblemen and Gentlemen, who ſigned the Bond mentioned in the account of that Year: and from that time he continued for ſome Years in a great Friendſhip with *Montroſe*, which as it did alienate the Church-party from him, ſo it ſet him at a diſtance from the Duke, of whom he was ready both to receive and give ill Impreſſions. Yet he having made great and conſtant Profeſſions of Loyalty, and having got himſelf to make a conſiderable figure among ſome Noblemen who were called the Kings Party, a Conjunction with him being alſo earneſtly recommended by the Queen in her Letters to the Duke, he and ſome of his Friends (though many condemned the choice) were eaſily induced to ſuch an opinion of the Reality of *Calander*'s Loyalty, and Military Conduct and Courage, as to accept of him for Lieutenant-General of the Army, though the Duke had no reaſon to have any confidence in his Friendſhip. But as he left

nothing

nothing undone to overcome all Obſtacles that lay in the way of this loyal Expedition, ſo he complied with divers things that were uneaſie to him, whereof this was none of the leaſt; becauſe he would leave no ground for Calumny it ſelf to charge him with Slackneſs in attempting to do this ſignal Service to God, the King, and his Country. The Lieutenant-General was quickly obſerved to deſign a Faction in the Army for himſelf, and to oppoſe all that the General ſuggeſted; which he did ſo peremptorily, that he uſually preſſed all his own Propoſitions with ſuch warm Language, as that the Kings Service was ruined, if other Courſes were followed: and this never failed to overrule the Duke, and in effect he gave away almoſt his whole Power to him. *An.* 1648.

But if he expected little Friendſhip from *Calander*, he had as much confidence in *Middleton*, Lieutenant-General of the Horſe, who was a Perſon of great Courage and Honour; and none had been more gallantly active in carrying on this Expedition than he was; for which and other Great Services he was by His Majeſty that now reigns, created Earl of *Middleton*: nor had he leſs aſſurance of *Baylie* Lieutenant-General of the Foot, who had given many ſignal demonſtrations of Valour and Conduct. The Inferiour Officers ſtood all divided according as their Affections led them, either to the General or Lieutenant-General: and thus was the Army modelled.

The Regiments were not full, many of them ſcarce exceeded half their number, and not the fifth man could handle Pike or Musket. The Horſe were the beſt mounted that ever *Scotland* ſet out, yet moſt of the Troopers were raw and undiſciplined. They had no Artillery, not ſo much as one Field-piece, very little Ammunition, and very few Horſe to carry it; for want of which the Duke ſtayed often in the Reer of the whole Army, till the Country-men brought in Horſes, and then conveyed it with his own Guard of Horſe. Thus the precipitating of Affairs in *England*, forced them on a March before they were in any poſture for it: but now they were engaged, and they muſt go forward, an account whereof follows, but not drawn, as the former Parts of this Work have been, from the Dukes Papers, and little Notes he uſed to take on all occaſions: for if any of theſe were taken by him in this Expedition, they were either deſtroyed by himſelf, or fell into the Enemies hands when he was made Priſoner; ſo that the Writer was forced to ſeek help from others for ſupplying this Defect, and procured divers Relations from very worthy Gentlemen, who were Eye-Witneſſes or Actors in the whole Affair, upon whoſe Informations he muſt reſt, and therefore offers them as follows.

The account of the March of the Army.

" UPon the Armies march to *Carliſle*, *Lambert* drew back and we advanced to *Crofton-Hall*, where we lay about eight or ten days; from thence we went towards *Penreith*: but the Duke ſent out a Party of ſome three hundred Horſe, who diſcovered the Enemies Main-Guard of Horſe, and gave the General notice of it; who thereupon commanded the whole Cavalry to march, purpoſing to fall upon the Enemy that very night, and he ſent orders to *Baylie* to haſten the advance of the Infantry. A full diſcovery being made of the Enemy, our Cavalry was drawn up in their view, where expecting the advance of

An. 1648. "the Foot, we ſtood in Arms till night; but about midnight the Ene-
"my drew off quietly. Next morning betimes a great rain falling,
"we advanced to a Bridge a mile beyond *Penreith*, with deſigh to en-
"gage the Enemy; but miſſing our hopes, were forced for our acco-
"modation in Quartering to return to *Penreith*. Next day my Lord
"*Levingſtoun* commanding a Party of Horſe, diſcovered the Enemies
"Main-Guard, within a mile of *Appleby-Caſtle* in *Weſtmoreland*, conſi-
"ſting of about three hundred Horſe, of which having ſent advertiſe-
"ment to the General, he ordered the Army to march immediately to-
"wards the Enemy; and *Middleton* commanded the Captain of the
"Generals Troop to charge, who beat back the Enemies Horſe into
"the Town of *Appleby*. That evening our whole Cavalry made a ſtand
"for ſeveral hours, expecting the advance of *Langdale*, who being mar-
"ched up, did preſently with his Foot engage with the Enemy in-
"to the Town till it was dark. Our Infantry Quartered that night
"on the Moor, near *Appleby*; but before the next morning the Enemy
"marched away both Horſe and Foot, leaving only a Garriſon in *Ap-*
"*pleby-Caſtle*; and did cut the Bridge, ſo that it was impoſſible to fol-
"low, for the rains had fallen in ſuch abundance that the Waters
"were not to be forded: whereupon we went to *Kirby-thure* in *Cum-*
"*berland*, where we lay three Weeks, expecting the reſt of our Forces,
"who came up to us, yet far ſhort of the Numbers appointed by the
"Parliament, of which there was wanting more than a third part; ſo
"that in all we were about Ten thouſand Foot, and Four thouſand
"Horſe. This is the true account of the Strength of our Army. *Tur-*
"*ner*, who being our General-Adjutant did often muſter the Infantry,
"avers on his Honour they were no more; and both *Middleton* and
"*Lockhart* did alſo aſſert there were not above Four thouſand Horſe;
"ſo far ſhort was our Number of what was appointed by the Parlia-
"ment, and generally given out to be the Strength of our Army.

"We alſo waited for the *Iriſh* Forces, which *Monro* had brought o-
"ver. In the mean while *Langdale* beſieged *Appleby*, and leſt *Lambert*
"had faced about, *Turner* was ordered to lie near him with two Bri-
"gades of Foot till the Caſtle capitulated, which it did in a very few
"dayes.

Here I ſhall add a Letter of Sir *Marmaduke Langdale*'s to the Earl of *Lanerick*, written from this Place.

Langdale's Letter.

My moſt honoured Lord,

Give me leave to give your Lordſhip many hearty and humble Thanks for your Favours, and to beg ſo much trouble to you, as to give your Brother Thanks for me, who is as careful of me, and all thoſe under my Command, as if they were his own, furniſhing us with Arms and Ammunition, and upon all occaſions with his own Forces to aſſiſt us. All I can render to ſo great a Perſon, conſidering my Condition, is to be thankful; and I hope neither my ſelf, nor none that joyn with me, will ever be ſo ungrateful or ungracious, as to forget his particular Favours, beſides the general good to the whole Nation; wherein what we have, or are like to enjoy, is by his Endeavours,

vours, with the hazard of his own Perſon and Friends, and all they can call dear unto them. Theſe are Benefits can never be forgotten by Gentlemen, whereof one with many more is, An. 1648.

Appleby, 1st Auguſt 1648.

Your Lordſhips moſt humble devoted Servant,

MAR. LANGDALE.

"We next marched to *Kendal*, and from that to *Hornby*, where it "was hotly debated, whether we ſhould march to *Yorkſhire* or *Lan-* "*caſhire*. The General and *Baylie*, and *Turner*, were for *Yorkſhire*, but "*Lancaſhire* was reſolved on, which many blamed, that County being "ſo diſaffected, that little good Intelligence was to be hoped for there; "whereas *Yorkſhire* was well-affected: but *Calander* and *Langdale* pre- "ſed it earneſtly, alledging it would eaſe our Friends, and weaken our "Enemies.

"By this time the *Iriſh* Forces had come over, conſiſting of the num- The *Iriſh* For- "ber above-mentioned, all well-trained, and experienced Souldiers. ces come o- "They met with ſome danger and difficulty in their Tranſportation, ver. "for the Parliament of *England* (apparently fearing by their utter ne- "glect of that Army, that ſome ſuch Courſe would be taken by them,) "ſent two Men of War to guard the Paſſage betwixt *Scotland* and "*Ireland*, who intercepted about Three hundred Foot of *Dalyel's* Re- "giment, whom they diſarmed and kept two days, but for want of "Victuals were willing to diſmiſs them again. The reſt made uſe of "ſmall Veſſels, and the Night-time, by which means and the narrow- "neſs of the Sea, they arrived all ſafe (albeit divers were chaſed) up- "on the *Scotiſh* Shoar; and as they landed in parcels, they were or- "dered to march ſtraight towards *Carliſle*. But as they went through the "Shire of *Galloway*, and Stuartry of *Kirkudbright*, they were unfa- "vourably uſed, for none of the Country-Gentlemen, excepting one "or two, did own them: ſo being left to themſelves, without any "perſon to appoint orderly Quarters for them, and being railed at from "the Pulpits, and Curſes denounced againſt them, and that whole En- "gagement cryed out to be unlawful, and the Miniſters in every Pa- "riſh diſcharging their Pariſhioners to have any meddling with, or ac- "ceſſion thereto, it was no wonder if Abuſes were committed, but no- "thing anſwerable to the great Clamours, purpoſely ſpread abroad "againſt them by thoſe of that Country.

"It was at *Kendal* in *Weſtmoreland* where Sir *George Monro* had the "firſt Meeting and Conference with the Duke, who was upon his "March with the Army towards *Preſton* in *Lancaſhire*. Sir *George* and "thoſe with him followed upon his Reer to *Kirby-Lumſdale*, near the "Border of that Shire. The Duke had a great mind to have joyned "them to the Army, for they were reſolute and well-trained, eſpeci- "ally the Foot, and he was well aſſured both of Officers and Souldiers: "but *Monro* had no mind to take Orders, either from *Calander* or *Baylie*; "and this made *Calander* unwilling to bring them up. He alſo ſaw "that moſt of their Officers depended on the Duke, and ſo he had no "kindneſs for them: therefore though the Duke preſſed much the bring- "ing them to the Army, yet *Monro* was ſent back with Orders from the

"Duke

An. 1648. "Duke in writing to ſtay at that Place, and wait for ſome *Cannon* coming "out of *Scotland*, and to conduct them to the Army; but withall in caſe "it ſhould happen he were attack't by the Enemy, not to Engage, but "to make his Retreat back to *Appleby*-Caſtle or *Carliſle*, and there "to ſecure himſelf till further Order. As he ſtayed at that Village, Sir "*Philip Muſgrave*, and Sir *Thomas Tilſlie*, the one Lieutenant-General, "the other Major-General to Sir *Marmaduke Langdale*, with two Re-"giments of Foot then raiſed in the Northern Counties, joyned him.

"Our March into *Lancaſhire* being concluded, the Van was led by "*Langdale*, who undertook to provide Guides and Pioneers, and to "get us Intelligence; but the want of this helped us to our Ruine, "for he was well-nigh totally routed, before we knew that it was "*Cromwell* who attack't us. And here the Cavalry complaining of ſcar-"city of Forrage in theſe Parts, and their Officers pretending a neceſſi-"ty to enlarge Quarters, deſired liberty to advance before the Infan-"try, againſt which the General gave many Reaſons: yet to prevent "a Mutiny he yielded to it, not apprehending how near the Enemy "was, of which we were ſecure, reſting on *Langdale's* Intelligence; "which was only, that one *Aſhton* had raiſed two or three thouſand "Presbyterians together to ſtop our March, and amuſe us, pretending "it was becauſe we came out of *Scotland* without the approbation of "the Kirk. *Calander* and *Middleton* went on with the Cavalry to *Wig-*"*gan*, ſome Regiments of Horſe being only reſerved for a Reer-guard "to the Infantry, and we marched forward to *Preſton*.

Preſton fight. "Upon the day after our Army was thus divided, being the 18th of "*Auguſt*, *Calender* got ſome hint of *Cromwel's* joyning *Lambert*. "Upon this *Calander* thought it fit to bring the Cavalry nearer the In-"fantry, intending to go himſelf that night to the General; where-"upon ſome Regiments of Horſe were drawn into the Moor near *Wig-*"*gan*, and commanded to ſtay there till further Orders, which late at "night they got to return home to their Quarters: then *Calander* went "to the General, and *Middleton* ſtay'd with the Horſe, which was the "Ruine of the Army; for all judged that *Calander* ought to have "brought the Horſe with him, ſince he had reaſon to apprehend the "approach of ſo powerful an Enemy; yet when he came to the Ge-"neral, he ſpoke nothing to him of the Advertiſement he had got.

"Next day about Noon we all drew up in Battalia upon the Moor, "but had not ground enough: from us the General went and paſſed the "Bridge to view the Field for a convenient Leaguer, and before his re-"urn, *Calander* ordered *Baylie* to paſs the Bridge with the Foot, to the "place where the Leaguer was to be. The General returning, and "thinking to have found the Foot ſtill in the Moor, met *Baylie* on the "Bridge, who told him he had received Orders from *Calander* to draw "over the whole Body of Foot; but hearing that *Langdale* was hotly "engaged with the Enemy, he had halted there, till he ſaw what the "event of the Action might be: which the General approved, and or-"dered him to halt, wiſhing they had ſtayed ſtill on the Moor. Mean-"while *Calander* came up, and asked why they did not March: *Baylie* "gave him the Anſwer he had given the General, with which *Calander* "was unſatisfied, and went away in a chafe. The General ſeeing him "in paſſion ſtudied to allay it, telling him that *Baylie* had ſtop'd up-"on his Order: *Calander* anſwered, his Grace might do what he pleaſed,

"but

"but he had given former Orders to march, which he conceived moſt *An.* 1648.
"fit to be done, pretending the neceſſity of having the Horſe and
"Foot on one ſide of the River, to which the General gave way; and
"ſo *Baylie* marched over, and the Duke and *Calander* returned back
"to the Moor, where the Rere-guard of the Horſe, together with
"two Brigades of Foot, ſtood all the while. By this time they got ſure
"intelligence, from ſome Priſoners whom *Langdale* had taken, that the
"Enemy he engaged with was *Cromwel*; and the General ordered
"*Turner* to ſend out commanded Parties to *Langdale's* Relief, who ſent
"about ſeven hundred Foot with a good quantity of Ammunition, of
"which the *Engliſh* ſtood much in need, and were ſore put to it, *Cromwel*
"gaining hedge upon hedge of them. But *Langdale* being over-pow-
"ered by the growing numbers of the Enemy, ſent to the General for
"a further Supply, who ordered *Calander* to ſend it: and he under-
"took to do it, yet did nothing. *Langdale* wondering at the delay,
"ſent a ſecond more preſſing Meſſage; and Sir *James Hamilton* ſhewing
"the General how neceſſary it was to ſend a ſpeedy Supply, leſt
"*Langdale* being beaten back the Enemy ſhould fall in betwixt
"the Rear-guard of the Horſe, and the Foot, who could not be
"now brought back, the Duke ordered him to draw out an
"hundred Horſe from the Regiments that ſtood there, and charge
"with them. But *Calander* coming up, as he was advancing, asked
"who commanded that Party, and finding it was Sir *James Ha-*
"*milton*, who had no Charge in the Army, but rode in the Gene-
"rals Troop a Volunteer, he ordered the Horſe back to their Regi-
"ments, and went to the General, complaining that he gave Com-
"mand to thoſe who had no Charge, and all this on pretence that the
"few Regiments which ſtood there were not to be weakened. But
"the General ſhewing him *Langdale's* extreme Danger, and the neceſ-
"ſity of ſending him Relief, *Calander* undertook with a Brigade of
"Foot to ſecond him, though this could not be performed, the Foot
"being now ſo far from us: yet upon that colour he went along the
"Bridge, ordering his Waggons that lay in *Preſton*, to be drawn over
"to the other ſide; which being done, he ſtayed on the other ſide.
"Mean while *Langdale* beat back the Enemy two or three Cloſes, ſtill
"expecting Relief; but that failing, he was totally routed, and retired
"diſorderly, and fell in betwixt our Infantry and the Moor, where
"the General ſtood with the Horſe ſtill expecting *Calander*: but now
"ſeeing a neceſſity of joyning himſelf to his Infantry, he got into the
"Town of *Preſton* with his Guard of Horſe, and *Langdale* and other
"Officers with him, with intention to paſs the River below it, which at
"that time could not be ridden by reaſon of the Rains which fell con-
"tinually; for all this while there were ſuch deluges of Rains not only
"over *England*, but over all *Europe*, that every Brook was a River,
"which made the March very heavy both to Horſe and Foot: nor
"was it poſſible for the Foot to keep one Muſquet fixed, moſt part of
"the time we were in a Body in *England*: but the Enemy purſued us
"fiercely into the Town; whereupon *Turner* endeavoured to rally
"ſome of the Muſqueteers who had fled, and to line the hedges with
"them for keeping off the Horſe. But the General perceiving they
"did ſmall Service, did himſelf charge thoſe who purſued him, being
"followed by all the Officers and his own Guard, and put two Troops

"of

An. 1648. "of the Enemy to a ſpeedy Retreat, and then turned to get to the "Ford: but aſſoon as we turned, the Enemy faced about and turned "again on us, and the General charged the ſecond time, and put "them again to the flight; but being purſued the third time, he char- "ged the Enemy ſo home, that he ſet him a good way off, and they "could not ſoon overtake us. In all which he ſhewed as much Daring "reſolution and Courage, as any man could be Maſter of.

"But *Langdale* and *Turner* perceiving the Enemies Foot advance, "who would have lined the Hedges, and from them fired on us, preſſed "the General to think rather of retiring to his Army than ſtaying in a "Place where all he could do was to give proof of his Perſonal Va- "lour: whereupon he yielding to their Advice, we took the Ford and "ſwimmed over, and got ſafely to the Place where our Infantry lay, "whom *Baylie* had very advantageouſly drawn up on the top of a ri- "ſing Hill, among fenſible Incloſures. The Regiments that ſtood on "the Moor were put to the rout by the Enemy, and got off diſorderly "in Parties. *Calander* Congratulated the Generals ſafe Eſcape from ſo "eminent a Danger; who returned him thanks, but paſſionately re- "grated the bad fortune of that unhappy Day, whoſe ſad effects he "ſaid he very much apprehended. Before his Arrival, *Calander* had "ſent ſix hundred Muſqueteers to maintain the Bridge, which was done "without conſideration; for they were to march through an open "field of a quarter of a miles length, that lay betwixt the Hill we "ſtood on and the Bridge, in which there was no ſhelter, and the E- "nemies ſide was all a Deſcent to the Bridge, that was full of Hedges, "from which their Fire-men played unceſſantly on our Muſqueteers, "who could do them no harm again. The General and *Baylie* obſer- "ving this, did by *Calander*'s advice, who ſaw his Error, ſend *Turner* "with ſome Muſqueteers to make their Retreat, and bring them off; "but he met them rather flying than retiring: nor did the Enemy pur- "ſue eagerly, but divers of our Men were killed, and now *Cromwell* "was Maſter of the Bridge.

"This was the iſſue of that Day wherein our loſs was great, many "were killed, and many were taken Priſoners, and we loſt more who "run away; two Brigades of Foot were totally routed, and either "killed, taken, or diſperſed; nor did we ever hear any more of *Monro*, "and the *Iriſh* Forces, nor of the Rear-guard of Horſe that was on the "Moor; ſo that we begun to look on our ſelves as broken, being in a "Country where we might look for nothing but Unfriendlineſs and "Treachery. Upon this ſad Juncture, the General called a *Council* of "War of all the chief Officers in the Army: there was one of two "things to be done, we were either to wait for the Cavalry, or to "march to them. Divers Meſſages had been ſent to *Middleton* to come "up with the Horſe, yet he appeared not. *Calander* preſſed a Retreat, "and to him agreed almoſt all the Officers, except *Baylie* and *Turner*, "who urged their ſtaying till *Middleton* came up, which might be ex- "pected in a few hours. The General expreſſed much indifferency in "that Particular, and if they had ſtayed they could not have forced "*Cromwel* to fight, who knowing their wants would have let them a- "lone till Hunger had forced them away. So *Calander*'s Authority pre- "vailed for a March: the greateſt Prejudice thereof was, that they "could not carry their Ammunition with them, for the Countrey Peo- "ple,

"ple, whoſe Horſes carried it, had fled away; ſo that there was a *An.* 1648.
"neceſſity of leaving it behind them. To have fired it would have
"diſcovered their March, and ſo done them Miſchief; therefore it was
"appointed to be blown up by a Train, which being neglected by
"him to whom it was truſted, it fell into *Cromwel*'s hands next day: all
"the Souldiers could carry with them was only their Flasks full. Our
"March was very ſad, the way being exceeding deep, the Souldiers
"both wet, hungry, and weary; and all looked on their buſineſs as
"more than half ruined. The next morning we came to *Wiggan*, and
"found almoſt the half of our Foot had fallen off by the way, whom
"we ſaw no more. But our Misfortunes grew on us; for *Middleton* *Middleton's Gallantry.*
"upon the advice he got, had marched to the Bridge of *Preſton* ano-
"ther way, where he found the Enemies quiet, our Fires burning, and
"none by them but ſome Sutlers; wherefore hearing we were gone to
"*Wiggan*, he followed our tract, and was hotly purſued all the way
"by the Enemies Horſe, with whom he skirmiſhed all along till he
"came within a Mile of us: and indeed he made that Retreat, which
"was ſeven Miles long, very gallantly, and was well ſeconded both by
"Coll. *Lockhart* and Coll. *Hurry*, the laſt getting a dangerous ſhot in
"his Head, which occaſioned his being taken Priſoner. The Enemy
"loſt ſeveral Men, and among others one Collonel *Thornly*, accounted
"one of their beſt Officers. We meeting with our Cavalry drew up in
"Battalia in the Moor, and ſome thought of Fighting; but we found it
"impoſſible, the Place not being large, and environed with Incloſures,
"which we could not have maintained long for want of Ammunition.
"So we were reſolved to march all night, and deſigned for *Warring-*
"*ton*-Bridge, where we hoped we might either maintain the Bridge,
"or cut it, and ſo have gone whither they pleaſed; yet many of us
"apprehended we might be routed e're we got thither. Marching all
"night we got a falſe Alarm, which put us in no ſmall Diſorder; and
"*Turner* and *Lockhart* labouring to recover us, the one was wounded,
"and the other was trodden down, to the great danger of his Life:
"yet no Enemy came in the Rear, for they had taken up their Quar-
"ters for that night; but next morning they purſued us, yet we paſſed *Warrington-Bridge.*
"*Warrington*-Bridge, the Enemy being cloſe in our Rear. We main-
"tained it ſome time againſt the Horſe, but were driven away from it
"when the Foot came up. And here *Calander*, and moſt of the Offi-
"cers of the Cavalry, preſſed the General to March off, and leave the
"Foot to Capitulate; their Reaſons were ſtrong, they had marched
"two nights, both under an extraordinary Rain, and in very deep
"way, and were wet almoſt up to the middle, and had ſcarce eat any
"meat all that while; they had no Ammunition, the Powder in their
"Flasks being all wet; ſo that to ſtudy to preſerve them was to at-
"tempt an impoſſibility and to loſe all. The Horſes were alſo ſo wea-
"ry with their long ill March, that they were for no preſent Action,
"but they getting off; and turning either back to *Scotland*, or joyning
"with thoſe who were in Arms for the King in *England*, might ſtill
"prove uſeful for His Majeſties Service. Upon which the General was
"moved, though with great reluctancy, to leave the Foot and *Baylie*
"to Capitulate; and in an account of this Buſineſs drawn by *Baylie*,
"*which the Writer has ſeen*, he ſayes, *Calander* ordered his Capitulating,
"and *Middleton* adviſed it; but ſays nothing of any Orders he had

An. 1648. "from the Duke for it. *Baylie* upon this occaſion loſt ſome of the Pa-
"tience he was uſually Maſter of; but having recovered himſelf as
"much as he could, he ſent Major *Fleeming* to *Cromwel* with Articles,
"who not agreeing to thoſe, deſired a Parly with *Baylie* himſelf: and
"they met on the Bridge, and agreed that the Infantry ſhould lay down
"their Arms, and both Officers and Souldiers be Priſoners of War to
"the Parliament. Here *Cromwel* left *Lambert* with four Brigades of
"Horſe to purſue our Cavalry, and himſelf marched after *Monro*. *But I ſhall go through with the Tragedy of our Army before any further account be given of that March.*

"Our Cavalry rode divers miles towards *Weſtcheſter*, with intention,
"as was ſuppoſed, to have gone to *Wales*; but putting on another Re-
"ſolution, we ſtayed all night at *Malpas* in *Shropſhire*. And here it
"was debated, whether we ſhould go to *Yorkſhire*, or to *Herefordſhire*,
"where we had intelligence, that Sir *Henry Lingen* had put himſelf in a
"conſiderable poſture for the King: but this being contradicted, that
"very night we reſolved for *Yorkſhire*, deſigning to try if we could
"clear a way for our ſelves to *Scotland*. But next day many of the
"County Trained-Bands appeared againſt us, who were ſoon diſſi-
"pated by *Middleton* without any bloud-ſhed, and that day we made
"a great March, and lodged all night in the Fields; next day we
"marched betimes, and at noon made a great halt at *Stone* in *Stafford-*
"*ſhire*.

"After this as we were marching, *Middleton* rode in the Rear,
"for making it good againſt ſome Troops of the County-Militia; but
"unfortunately his Horſe fell under him, and he was taken Priſoner.
"Thus the remnant of our unfortunate Army ſuſtained an irreparable
"loſs by the taking of that brave Man. The reſt of that day we
The Horſe came to *Utoxater*. "marched to *Utoxater*, and the weather being rainy, windy, and
"tempeſtuous, we came thither in great Diſorder. On the next day
"we had not marched a mile, when both Horſes and Men being ex-
"tremely weary, many of the Officers and Troopers expreſſed an un-
"willingneſs to march further, neither were we well-reſolved whi-
"ther to go that night; and many ſurrounded the General in a Con-
"fuſion next to a Mutiny, deſiring he would return to *Utoxater*, from
"which he was very averſe, and repreſented to them that it was bet-
"ter Capitulating with Sword in Hand in an open Field, than to be
"cooped up in a Town: but both he and *Calander* were forced by
"their importunity to return to *Utoxater*, purpoſing to ſpend the reſt
"of that day and the next night there, for refreſhing Men and Horſes,
"and after that to continue their March. And here *Langdale*, and ſome
"of the *Engliſh* Officers that were with us, ſeeing all hopes were gone,
"and knowing their own Danger if taken with us, left us. A Trum-
"peter came to us from the Governour of *Stafford*, commanding the
"General to render himſelf, and theſe with him, to him and the Coun-
"ty-Committee: and many ſuch Letters came to him from impertinent
"Commanders of the County-Militia, at which he was nothing mo-
"ved, and as low as he was he undervalued them. But now our Mis-
"fortunes muſt be compleated by our own Madneſs, and the Mutiny
A Mutiny. "of our Souldiers, among whom it was given out, that the General
"Officers intended an Eſcape from them, though they had often pro-
"teſted that they ſhould never leave them, but live and dye with
"them.

"them. The Souldiers ſet double and treble Sentinels, both about the *An.* 1648.
"General's, and Lieutenant-General's Lodgings, and other chief Offi-
"cers; all which was done in the ſight of the *Stafford*-Trumpeter.
"Next morning aſſoon as we could ſee, Collonel *Turner* by the Ge-
"neral's Order called out at the Window to them, and asked if they
"were not aſhamed of the ignominy of that Action, and of the baſe
"and unworthy Uſage they had offered their General, and the Con-
"tempt they had ſhown to all Diſcipline. He adviſed them, if for no
"other reaſon, yet for their own Safety, to return to their Duty, re-
"move their Guards, go home to their Lodgings, and refreſh them-
"ſelves; which they inſtantly did, curſing thoſe who ſet them on to
"mutiny, but named none. *Calander* proteſted he would hear of no
"Treaty, but prepared to be gone, with all who would follow him,
"who were at leaſt half our number. The General preſſed his Stay,
"that a joynt-Courſe might be followed, at leaſt that night, and that
"he would not divide the Forces; and the next day they ſhould ei-
"ther March, Fight, or Treat, as ſhould be agreed on in a Council of War,
"where he might freely deliver his mind. But all was in vain, for he
"marched away with as many as had good Horſes to follow him,
"who quickly diſperſed themſelves; and *Calander* got ſecretly to *Lon-*
"*don*, and from that to *Holland*, ſo that his Eſcape proved more fortu-
"nate than any Officers (of the Army) was.

"Now we concluded it impoſſible to return in a Body to *Scotland*,
"and the County-Militia was every-where riſing, our Horſes were bea-
"ten, and our Troopers both heartleſs and diſpoſed to mutiny; ſo
"that we all told the General, there was a neceſſity of Capitulating,
"for though we might poſſibly have cleared a way for our ſelves,
"through thoſe who then ſurrounded us; yet in every part of *Eng-*
"*land* we would find a freſh Enemy before us, and it was impoſſible
"to cut out our way through all theſe Difficulties: to which, ſeeing it
"was unavoidable, the General yielded, and on the 25th of *Auguſt* ſent
"three Collonels, *Lockhart*, *Foules*, and *Turner*, to Capitulate with the
"Governour of *Stafford*, who had environed us with about three thou-
"ſand Men. They Treated in a Houſe three Miles from *Utoxater*,
"where *Mary* Queen of *Scotland* had been long kept Priſoner; they
"found thoſe they treated with no Enemies to Monarchy, & ſo they had
"reaſon to expect good Conditions from them: but that Treaty was
"interrupted by a Meſſage from *Lambert*, who was now advanced ve-
"ry near *Utoxater*, and ſent them word that if they would Treat
"it muſt be with him, which was no good News to our Collonels.
"Yet they went to him, and found him very diſcreet; he ap-
"pointed *Lilburn*, *Hains*, and *Manwaring* to Treat. They demand-
"ed of us the delivery of *Berwick* and *Carliſle*; and undertook if we
"would engage to deliver thoſe Places, we ſhould not only be per-
"mitted to go back to *Scotland*, but conveyed thither. Our Com-
"miſſioners anſwered, they had only Warrant to Treat about the Ge-
"neral, and thoſe with him, and had no power to Treat about thoſe
"Places: ſo our Commiſſioners were ſent to know the Generals Plea-
"ſure about *Berwick* and *Carliſle*, who anſwered, he neither could nor
"would engage for the performance of what was not in his power,
"ſince in that condition he was in, he had no reaſon to expect obedi-
"ence to his Orders from the Deputy-Governours; adding, that he

An. 1648. "did not ſet that value on himſelf, or his Liberty, as for the Procuring "of it, to do any thing might ſo far prejudice the Kings Service, as the "Delivery of theſe Towns would do; whereupon he diſmiſſed the "Collonels with ſome very ſad expreſſions. During this Treaty the "Lord *Grey* of *Grobie* came towards *Utoxater*, to whom the General "ſent Collonel *Ker* to tell him, he was in Treaty with *Lambert*; and "thoſe who were appointed to Treat, agreed on the following Articles.

The Articles of Rendition.

THat James *Duke of* Hamilton *his Grace, with the reſt of the Officers and Souldiers under his Command, now at* Utoxater, *ſhall render themſelves up Priſoners of War, (with their Horſes, Arms, and all other Proviſions of War, Bag and Baggage whatſoever, (except what is mentioned in the enſuing Articles) to Major-General* Lambert, *or ſuch as he ſhall appoint, without ſpoil, concealment, or imbeazelment, by four of the Clock this Afternoon, upon* Utoxater-*Heath, or ſome convenient Field near unto it.*

II. *That the Duke of* Hamilton, *with all Officers and Souldiers of the ſaid* Scotiſh *Forces at* Utoxater, *ſhall have their Lives and Safety of their Perſons aſſured to them, and ſhall not be pillaged or ſtript of their wearing Cloaths, or what they have about them, or otherwiſe wronged, beaten, or abuſed, upon the delivering up of their Arms, or afterwards, and ſhall have civil Uſage during the time of their Impriſonment.*

III. *That all Field-Officers, and Captains of Horſe in Command, ſhall have each of them a Horſe provided to ride on, to ſuch Places as ſhall be appointed by Major-General* Lambert *for their Stay; each Collonel in Command to have one Horſe for his Servant to ride with him, and each Commiſſion-Officer that is ſick or wounded, and not able to go on foot, to have one Horſe provided for himſelf to ride on, and that a ſafe Convoy ſhall be provided to conduct the Priſoners to the Places they ſhall be ſent to; and if any that are ſick or wounded do deſire it, they may have liberty to ſtay at* Utoxater *till further Order from Major-General* Lambert.

IV. *That the ſaid Duke of* Hamilton *ſhall have ſix of his Servants, ſuch as he ſhall chooſe, allowed to wait on him, and each of them an Horſe to ride with him, till they come to the Place of Stay, and have none of their wearing Cloaths or what they have about them taken from them.*

V. *That all Treaſure and Plate remaining in the* Scotiſh *Army at* Utoxater, *ſhall be delivered up to ſuch Perſons as Major-General* Lambert *ſhall appoint.*

Signed,

Rob. Lilburn,	William Lockhart,
Hezekiah Hayns,	James Foules,
Edward Manwaring,	James Turner.

Lambert deſired them to ſign the Articles quickly, and he would go to *Utoxater* to ſave the Duke from *Grey* of *Grobie*'s Men: but before he came they had fallen in, not regarding the Treaty nor the Ceſſation of Arms, and had taken the Duke; yet *Lambert* would not look on him as a Priſoner till the Articles were ſigned, which he ratified, and diſclaimed *Grey* of *Grobie*'s taking him, as done in time of Treaty and Ceſſation, againſt the Law of War and Nations: neither was the Lord *Grey* empowered by the Parliament, ſo that *Lambert* having Authority from them, they were obliged by his Treaty and Articles. The Articles

cles were alſo ſigned, though not ſent back, ſome time before *Grey* himſelf came up. *An.* 1648.

The Duke was carried to *Derby*, from that to *Loughburrough*, from that to *Leiceſter*, and from that on the 28th of *Auguſt* to *Aſhby de la Zouch*, where he continued Priſoner till the beginning of *December* that he was carried to *Windſor*. He was kept under ſtrict Guards, and in a cloſe Reſtraint, not being permitted to go without the Caſtle, and but ſeldome to walk in the Court; for the ſecond night after he came thither, when he was taking a turn in the Court after Supper, he had not walked half an hour, when a Serjeant came and commanded him to his Chamber, though many Souldiers were looking on: he immediately went to his Apartment, and ſaid to the Lord *Bargany*, who was Priſoner with him, that the Serjeants carriage was a notable inſtance of the vanity of worldly Greatneſs, and the inſtability of mans Condition in this Life; ſince he, who but a few days ago commanded ſo many thouſand men, was now himſelf commanded by a private Serjeant. Soon after his Impriſonment the Parliament ſent two of their number, and *Hugh Peters* waiting on them, to examine him in order to the diſcovering thoſe in *England*, who had confederated and correſponded with him in this Engagement: but the Examination held not long, for they could draw nothing from him, and found none of their Arts could prevail (though they ſpared neither Promiſes nor Threatnings) to make him think of redeeming either Life or Liberty at ſo baſe a rate, his Honour and Conſcience being much dearer to him. He told them, he could not ſay he knew any thing worth their pains, but if he did, nothing, no not Torture it ſelf, ſhould ever draw it from him.

The Duke in Priſon.

and examined, but diſcovers nothing.

Thus ended that Expedition, the miſcarriage whereof occaſioned much Cenſure and Reproach; but thoſe who did impartially reflect on the whole progreſs of that Army, ceaſed to wonder, when they ſaw the ruin of a raw, undiſciplined Army, which without either Artillery or Ammunition ſufficient, was precipitated by an over-haſty March into an Enemies Country, haraſſed and wearied with a ſad March, in ſuch bad vveather and vvay, and encountered by ſo ſtrong an Enemy; vvho as he had a vvell-diſciplined and trained Army, ſo he had the vvhole Country on his ſide: and vvhere-ever any cenſurable Miſcarriage vvas to be faſtened all that vvere impartial did confeſs the Duke free of blame, except for yielding too much to other more experienced Souldiers, vvho upon every inclination he expreſſed of differing from their Counſels, told him he vvas ruining the Kings Service. And juſt obſervers, vvhen they conſidered hovv little care he expreſſed for preſerving himſelf, and hovv much for preſerving the Army, hovv ready he vvas to hazard his ovvn Perſon, hovv he vvould not abandon the broken Remainders of his Army, but ſtayed and run the ſame Fortune vvith them, vvhen others vvere more careful of their ovvn Preſervation; hovv he vvould not preſerve himſelf at the rate of delivering up *Berwick* or *Carliſle*, judging thoſe Places of more importance for His Majeſties Service than his Liberty could be, or the Liberty of that handful vvas vvith him; and in fine, hovv he abhorred ſo mean a thought as the ranſoming himſelf by betraying others vvith vvhom he had correſponded; did very much condemn the too great forvvardneſs of ſome in believing thoſe baſe Reports which vvere ſpread of his betraying that Army.

The Cenſures paſſed on the Engagement.

But

An. 1648. But in *Scotland* things changed no leſs ſtrangely. The Clergy during the Armies March, continued animating the People into an oppoſition to the Engagement: but the Committee of Eſtates ſecured the Peace of the Kingdom, by ſome Troops they kept in ſuſpected places, and ſeemed to connive at many things, which they reſolved to puniſh to purpoſe when they had a good account of their Army. About the end of *July* Mr. *Murray* came to *Scotland* from the Queen and Prince, with full aſſurances of their Friendſhip and Kindneſs to them, and told them that the Prince was ready to come aſſoon as he were ſent for, appointing them to ſend to him to *Holland* whither he was then going; whereupon the Earl of *Lauderdale* was ſent by the Committee of Eſtates to invite his Highneſs to come and Command their Army, giving him the Publick Faith of the Kingdom for his Honour, Freedom, and Safety, both during his ſtay with them, and for liberty to leave them when he would. He was alſo to deſire his Highneſs would land at *Berwick*, and for ſatisfying the People as much as could be, that he would bring none with him who were hateful to the Nation, and would, as the King had always done in *Scotland*, conform himſelf to their Forms of Religious Worſhip.

Lauderdale is ſent to bring the Prince to Command the Army.

On the fifth of *Auguſt* he ſet ſayl firſt for *Yarmouth-Road*, where he heard the Prince was with the Fleet, but that being contradicted, he held his Courſe for *Holland*; and as he was ſayling into the *Brill* the Pilots Boat aſſured him, that his Highneſs was gone from thence, but he knew not whither: wherefore ſeeing a Man of War, who as they told him, belonged to the Prince, he turned his Courſe, and followed him, but he could not overtake him. At laſt a Frigat of the Prince's came a-ſtern of him, and told him he was in the *Downs*; ſo he ſailed on with the Frigat, and came to the *Downs* on the 10th of *Auguſt*, where he found his Highneſs, and Prince *Robert*, with ſome others of the Nobility, and of his Council, and a very good Fleet of about eighteen ſail, commanded by the Lord *Willoughby* as Vice-admiral. His Highneſs gave him a very kind Reception, and expreſſed a great ſenſe of the Loyalty and Duty of the *Scotiſh* Nation; all that were about him were likewiſe very well-affected to that Nation. The Prince called the Earl of *Lauderdale* to his Council, where he appointed him to deliver his Meſſage, which he did; and the Prince after a days conſideration, gave him a very Gracious Anſwer to every particular, and reſolved to go quickly to *Berwick*, and from that to make all the haſte he could to the Army; but he was firſt to go to *Holland*, where he intended to ſtay ſome few days. The Earl of *Lauderdale* had got Inſtructions from *Scotland* to go to the Prince of *Orange*, and the *States General*, to give them an account of their Affairs, and to crave their Aſſiſtance in Money, Arms, Ammunition, and Shipping; to ſee alſo what Money could be borrowed upon the Publick Faith of *Scotland* for the proſecuting the Engagement, and to deſire from them the three *Scotiſh* Regiments that were then in the *States* Service, and to ſettle a firm Alliance with them: and from them he was to go to *France*, with Letters to the Queen, and to treat with the Queen Mother of *France* for the Aſſiſtance of that Nation, according to the ancient Alliances between the Crowns of *France* and *Scotland*. All theſe Inſtructions being communicated to his Highneſs, he judged the Imployment might be of good uſe, but would not let the Earl of

Lauderdale

Lauderdale leave him, intending to carry him with him to *Holland*, and was very well pleaſed that Sir *Robert Murray* was appointed to go to *France*, in caſe the other went not: yet he reſolved to carry him along likewiſe to *Holland*. Upon which the Earl of *Lauderdale* ſent advertiſement to *Scotland*, to make ready for his Highneſs Reception. This was done on the 20th of *Auguſt*, and as the Prince was making ready, the ſad news of the Defeat of the Army was brought him: ſo that Deſign vaniſhed. *An.* 1648.

But in *Scotland* the news of the routing of the Army was received by the oppoſite Party, with all the inſultings of Joy, they adding infamous opprobries to their Invectives. Some obſerving that the Diviſion of the Duke's Army, which was its Ruin, was on the 17th day of *Auguſt*, the day in which the Covenant was firſt made, which from thence ſome uſed to call *Saint Covenants day*; this Conjuncture of Affairs was held a viſible Declaration of Gods Diſpleaſure, (for their breaking the Covenant and their Juggling in it,) by thoſe who took upon them to expound all Gods Providences. The Weſtern Counties were commanded, and animated to an Inſurrection by the Lord Chancellour and the Earl of *Eglinton*, together with their Miniſters, who came leading out whole Pariſhes with ſuch Arms as could be had, and when theſe failed, with Staves, and Pitch-forks, and Sythes.

An Inſurrection in *Scotland*.

When the Reſolutions for raiſing an Army were taken in the Parliament, divers of the Nobility did diſſent from them, the chief of whom were *Lowdon*, who was then Lord Chancellour, and *Argyle*: and now *Lowdon* upon the notice of the misfortune in *England*, gave out Orders for raiſing the Weſtern Counties, and all others who would zealouſly own the Covenant againſt the late Engagement. Thoſe that were raiſed were at firſt commanded by the Earl of *Eglinton*, and the Marquis of *Argyle* made all the haſte he could to come down with his *Highlanders*: the Earl of *Caſſilis* was ſloweſt with his men, for though he had diſſented from the Engagement, yet he was long unſatisfied with the Tumultarineſs of the Inſurrection, but after ſome times conſulting about it, he came up to them at *Linlithgow*.

This, together with the ſad account of Affairs from *England*, did not a little diſorder the Committee of Eſtates, who as they drew a few Troops that were kept in the Country for their Guard nearer them, ſo were not well reſolved what to do. They looked on the buſineſs as deſperate by the ruin of the Army in *England*; and though it was eaſie to ſcatter the confuſed Bodies were coming from the Weſt, yet they apprehended, that certainly they finding their own weakneſs, would call for the Aſſiſtance of the *Engliſh* Army, before which they knew they could not ſtand. Moſt of the Committee were men of good Eſtates, who apprehending certain ruin to their Fortunes, were reſolved to ſee to their own Preſervation the beſt way they could. Others were much addicted to the Miniſters, and though they had gone along with the Service, notwithſtanding the oppoſition of the Clergy; yet now that they knew they were reſolved to excommunicate all who were for the Engagement, their hearts failed them. Many of the Miniſters did alſo repreſent to them, and ſome of their Friends, that their Deſigns being blaſted by God, why ſhould they fight any longer againſt him? and aſſured them, that if they would lay down Arms, and accommodate matters without Blood, all ſhould go well; that they would

Many in the Committee of Eſtates incline to yield to them.

An. 1648. would all own the Kings Quarrel, according to the Covenant: but if on the other hand they perſiſted in their oppoſition to the Church, the *Engliſh* Army would be called in, which would undoubtedly deſtroy both the Country and them. Theſe things prevailed with moſt of the Committee of Eſtates.

But the Earl of *Lanerick* oppoſed all theſe Reſolutions, judging it baſe and diſhonourable to treat with thoſe Rebels, and abandon ſo good a Cauſe becauſe of a Misfortune. He thought it therefore neceſſary to recall Sir *George Monro* with his Forces, and ſecure themſelves of *Sterlin* and *St. Johnſtoun*, and then to raiſe all the North, by which they might gather a new Army; and the time of the Year told them, that *Cromwel* durſt not ſtay long in theſe Parts: ſo that upon his going to *London* they might make themſelves Maſters of *Scotland*, and force a new Army into *England* the next Year. Yet in this he was almoſt alone, and many of the Committee of Eſtates plied him hard, eſpecially with one Argument, that if more Bloud were ſhed in *Scotland*, their Enemies would undoubtedly revenge themſelves on his Brother; and then all the World would ſay his Ambition to ſucceed him, had made him contribute to his Ruin. But on the other hand the Miniſters and their Adherents gave great Aſſurances, that they ſhould procure his Brother's Liberty, if matters were packt up. This being conſtantly preſſed on him, he yielded to be paſſive, and let them be doing; and ſo after ſome days Debate they reſolved to proſecute the Engagement no more, and to pack up the buſineſs if it were poſſible: therefore they ſent the Lords of *Lee* and *Humby* to the Weſtern Forces, (who were come in their March the length of *Hamilton*) to ſee what their Demands were, and to propoſe a Ceſſation in order to a Treaty; they alſo ſent Orders to Sir *George Monro* to return to *Scotland*. But here I ſhall ſtop a little, to give account of the motions of his Army in *England*.

The account of the *Iriſh* Army.

Muſgrave had got intelligence that *Cromwel* with his Army was upon his March to ſtop the Duke's progreſs, and had advanced the length of *Skipton-Caſtle* in *Yorkſhire*; which Advertiſement was inſtantly diſpatched to the Duke at *Preſton*, and a ſmall Party of about forty Horſe was ſent under the Command of one *Galbreath*, to examin the truth of theſe Reports; who returned with this Account, That having concealed their Party within a Hedge near that Place, ſome of them came to a Houſe of their acquaintance, from which they ſent a Servant to *Skipton*, who brought them aſſurance of *Cromwel*'s being there with an Army of about ten thouſand men, and that he had commanded thoſe of that Garriſon excepting a few, to be ready to march with him next day.

Sir *George Monro* being thus informed, ſent Advertiſement to *Preſton* by divers Meſſengers of both Sexes; but neither did this Intelligence, nor any ſent before, ever come to the Duke's Army, which is atteſted by many Perſons of Honour then in Command there; and indeed thoſe of the Army reſted wholly on *Langdale*'s Intelligence. But *Monro* conſidering that *Skipton* was equally diſtant from *Kirbie Lumſdale* where he lay, and *Preſton*, judged that *Cromwel*'s firſt Deſign was upon him; which upon, and in purſuance of the Duke's Orders, he retired ſoftly upon the way towards *Appleby* about fourteen miles back: but the ſecond day, having notice that *Cromwel* had taken the road to *Preſton*,

Preſton, he returned to his former Station, where he kept both Horſe and Foot night and day in readineſs. *An.* 1648.

Two days after that towards the morning, a ſmall Party of Horſe ſent out from the Watch upon the *Preſton*-road, were unexpectedly alarmed with the noiſe of Horſe-feet, as it were at a good diſtance; but thoſe were preſently diſcovered to be the ſcattered Troops of the Duke's Army. Some of them were Officers of Foot, who as they declared, were Commanded out from *Preſton* to the aſſiſtance of Sir *Marmaduke Langdale*, whilſt he and *Cromwel* were engaged in a Hedge-fight: but before they were able to give him relief, *Cromwel* had forced them to retire, and had got in after Sir *Marmaduke* betwixt them and the Town, and ſo had ſeparated them from the Duke's Army. There were alſo ſome Troops of Horſe who were the Rear-guard, of whom mention was made in the account of the buſineſs of *Preſton*, in all about twelve hundred, belonging to divers Regiments of Horſe: they were earneſtly ſollicited by Sir *George Monro*, to ſtay with him till they ſhould hear what had become of the Duke and his Army. But they objected their Men and Horſes were very weary, and that there was a great want of Horſe-ſhoes amongſt them; and ſo excuſed themſelves, and ſaid they ſhould only go to ſome of the neareſt Villages, where they might be refreſhed: but they went ſtraight to *Scotland* through *Weſtmoreland* and *Northumberland*, ſpoiling and plundering all theſe Counties as they paſt; which made great out-crying, and was charged upon the Forces Commanded by Sir *George Monro*, (who not long after followed them,) but very unjuſtly.

At *Kirbie-Lumſdale* Sir *George Monro* and the Gentlemen who were with him ſtayed a few days, to learn the certainty of the Duke's Condition, the reports whereof changed hourly: but fearing the worſt of the Duke, and the danger of being ſurprized, they retired to *Kirbie-Steven*; and getting no certain advertiſements of the Duke or his Army, thought it fit to ſend for advice to *Scotland*, and to be ſtill drawing North-ward through *Northumberland*. When they came to *Morpeth*, Collonel *Hamilton*, General of the Artillery, came to them from *Edinburgh*, with Orders from the Committee of Eſtates to take *Newcaſtle*, or at leaſt to fortifie themſelves where they were, and attend the Duke's coming, whoſe Army they ſtill judged to be ſafe, and that it was like he would return through *Yorkſhire*: but they got ſoon after that the certainty that the Duke's Army was wholly loſt, and that *Cromwel* with a great part of his Army was on his March to fall upon them. Upon this they took their way for *Berwick*, and met new Orders from *Scotland*, giving notice of a great *Inſurrection* in the Weſt, and thereupon requiring them with all poſſible ſpeed to haſten to *Cockburns-path*, where the Committee of Eſtates was to meet them. They alſo ordered them to ſuffer none of the *Engliſh* Forces to come to *Scotland* with them, which was executed at *Berwick*; great Complaints being made by the *Engliſh* Gentlemen of that inhumane Uſage. Upon the way from *Berwick*, it was told Sir *George*, that he had need to look to himſelf, and thoſe with him, ſince the Committee of Eſtates, even after they had called for him to their aſſiſtance, and were forced, by the multitudes of Armed men drawing from the Weſt towards *Edinburgh*, to fly to him for Safety; yet had paſſed an Act not to proſecute the Engagement any further, and that they had entred already

An. 1648. upon a Treaty with the other Party, and had imployed the Lords of *Lee* and *Humby* to go to them with Propoſitions. He reflecting on theſe News, and the Orders he had received not to let any of the *Engliſh* Nation croſs *Tweed*, thought there was no more intended but to make uſe of him as an Engine for a ſafe off-coming: but though *Argyle* ſent his Brother to him, inviting him to his Party with great offers; yet he rejected that Propoſition, and haſted forward to *Cockburns-path*, where he found no body. He lay a night or two there, and got Orders to march to *Hadingtown*, where the Earls of *Crawford*, *Glencairn*, and *Lanerick* met him, who had got together ſome of the ſcattered Troops belonging to the Regiments that had left the Duke at *Preſton*. And at *Gladeſmoor*, all the Forces were put in Order, which upon Rendezvous were above three thouſand Horſe, and two thouſand Foot; from thence they advanced to *Muſſelburgh*, near which a Party of ſeven or eight hundred Horſe of the Weſtern Army were come from *Edinburgh* to view the fields. They, upon diſcovery of the March of the Forces from *Gladeſmoor*, retired, leaving a Troop at the Bridge, who at the approach of ſixteen Horſemen run away in all haſte, and ſo eſcaped with the loſs of ſome few that were taken Priſoners.

The Iriſh Army returns to Scotland,

Theſe Earls lodged that night at *Inneresk*, and agreed next day to march by *Edinburgh* upon the South-ſide, to ſhun the danger and Straits of the way by *Leith*, which was beſet by that new Army from the Weſt, though *Monro* offered with his Forces to clear the way to them; but the greateſt part of the Committee were reſolved not to engage in blood. The Weſtern Army was now ſome way modelled, and Commanded by the Earl of *Leven* as General, *David Leſly* as Lieutenant-General, and *Robert Montgomery* and Sir *John Brown*, as Major-Generals. Some of the Miniſters were earneſt for fighting, not doubting but their Enemies would fly before them; but the Military men underſtood well enough their own weakneſs, and therefore would not engage. All this while the Lords of *Lee* and *Humby* were very diligent, poſting night and day betwixt thoſe in *Edinburgh* and the Committee of Eſtates, to mediate an Accommodation betwixt both Parties, but hitherto without any effect.

The Committee of Eſtates took their way by *Pentland*-hills, where they lay that night: next day they did march by *Collingtown* and *Chriſtorphen*, and ſo towards *Linlithgow*, purpoſing to hinder the Conjunction of ſome new additions of Forces from the Weſt, led by the Lords of *Caſſilis*, *Kirkubright*, and *Argyle*: as alſo to fix themſelves at *Sterlin*, as a ſecure place, and convenient for maintaining their Army, and for raiſing the whole Country on the north of *Forth*, or fighting if occaſion ſhould offer.

At *Linlithgow* the Earl of *Caſſilis*, with about four or five hundred Horſe, was almoſt ſurprized; but by the darkneſs of the night he eſcaped towards *Burroughſtownneſs*, and the *Queens-ferry*, and ſo to *Edinburgh*.

Lieutenant-General *Leſley* with his new Army followed upon the others Rear near *Linlithgow*, but was loth to engage, having little Confidence in his Men, although he was hard preſſed to it, for preventing the danger *Argyle* might fall into at *Sterlin*; and Sir *George Monro* would willingly have turned upon him, but that he was earneſt once to be at *Sterlin*, where he hoped to fall upon *Argyle* and his Party, and therefore haſted forward.

At

At *Larbour* he was aſſured that *Argyle* with about ſixty Horſe, and a thouſand Foot all *Highlanders*, was in the Town of *Sterlin*, keeping a Committee, and treating with the Caſtle (wherein was the Kings Garriſon commanded by *Norman Levingſtoun*) for a Surrender; upon that Sir *George* haſted on with the Cavalry, commanding the Foot to follow in order as faſt as they could, which they did at a good pace. A Gentleman coming from *Sterlin* met Sir *George* about *St. Ninians*, and told him that the *Barras-port* was ſhut and manned, and that he muſt paſs through the Park, round about the Caſtle, to gain the Bridge, and prevent *Argyle*'s Flight: and as he came near the Caſtle, the Governour diſplayed the Kings Colours upon the Walls, and cauſed the Cannon to play upon the Bridge, where he perceived ſome of *Argyle*'s People withdrawing. The difficulties Sir *George* met with in opening the Park-Gate, and breaking down ſome Stone-walls to make a paſſage for the Horſe, gave time to the Marquis of *Argyle* to get himſelf and his Troopers mounted. They paſs'd the Bridge in haſte, a very little before Sir *George*, who with five Horſemen purſued them a good way: the *Highlanders* marching cloſe together, to paſs after their Lord, were aſſaulted by the firſt Troop that came up after Sir *George*: they made ſome ſort of confuſed reſiſtance, but were inſtantly trod down, and ſcattered, and forced to call for Quarter; about a hundred were killed and drowned attempting to ſwim the River, the reſt taken Priſoners, being betwixt eight or nine hundred. *An.* 1648. and fell on *Argyle* at *Sterline.*

Upon this Orders were diſpatched from the Committee of Eſtates for raiſing all the ſenſible men in the Northern Shires, to joyn with thoſe at *Sterlin*, and *Lanerick*, went to *Perthſhire* to invite the Nobility to joyn. Upon which the Lord *Ogilvy* and the Lord *Drummond* came with ſome Propoſitions to the Committee of Eſtates; yet all means were eſſayed to bring the Matter to a Treaty. The Earls of *Crawford* and *Glencairn* had drawn the Earl of *Bucklengh*, and Mr. *Robert Douglas* and Mr. *Robert Blair*, two leading Miniſters, from *Edinburgh* to a private Conference with them, where *Crawford* and *Glencairn* moved, that the Committee ſitting at *Edinburgh* might come and reſide there for perfecting of the Treaty, whilſt their Forces ſhould continue at *Sterlin*; which was flatly denied them. A Treaty is purſued.

Here the Miniſters were very earneſt with theſe Lords, that matters might be accomodated. The Lords moved, That nothing might be done to derogate from the Authority of Parliament, and Committee of Eſtates; That the Officers and Souldiers then in Arms by their Authority, might be provided for and entertained; That at leaſt, if there was no further uſe for their Service, the Articles agreed to by the Parliament for theſe Forces that came from *Ireland*, might be duly kept to them, and that ſome conſideration might be given to the reſt of the Forces that were to be disbanded; That none who had entred into that Engagement might be queſtioned for it, but enjoy ſtill their Offices, Honours, and Fortunes, and other Civil Places; That an effectual Courſe might be agreed on for the Relief of their Friends, detained Priſoners in *England*; and finally, That the Committee might ſit with Freedom in the ordinary Place, and by advice of the Church conſider of the dangers of Religion, of his Majeſty and his Poſterity, and and of the Peace and Safety of his Kingdomes, that ſo by joynt advice ſuch ways might be taken as would beſt ſecure Religion, preſerve

An. 1648. his Majeſty and his Poſterity, and quiet the Diſtempers of the Kingdom.

The Miniſters on the other hand propoſed That all Armies, whether in the Fields or in the Garriſons of *Berwick* or *Carliſle*, ſhould be preſently disbanded; That the ſecuring the Intereſt of Religion might be referred to the General Aſſembly, or their Commiſſioners, and all Civil Differences to the Determination of a Parliament to be ſpeedily called; That in the mean time there ſhould be a Committee of Eſtates, in which none ſhould be admitted that had concurred in the late Engagement: but withall they gave them good aſſurances, both for the Priſoners in *England* and for themſelves, that no Prejudice ſhould follow on any for their acceſſion to the Engagement; and when the Earl of *Glencairn* ſaid, perhaps nothing would be kept of all that ſhould be agreed to; Mr. *Douglas* anſwered, that if but a tittle of the Agreement were broken, all the Pulpits in *Scotland* ſhould declare againſt it.

But now *Argyle*, having eſcaped from theſe who purſued him, was joyned to the Weſtern Forces, commonly called *Whiggamores*; and he being irritated with what befell him at *Sterlin*, was for ſeverer Methods. They reſolved to invite the *Engliſh* Army to their Aſſiſtance, to which *Cromwel* was not backward, both that he might recover *Berwick* and *Carliſle*, and deſtroy all the Kings Friends. The *Whiggamores* did alſo know well how averſe the Committee of Eſtates were from Engaging into Action, and that they intended to make Peace on any terms: therefore they grew high in their Propoſitions, and at *Sterlin* the other Party was much divided; for moſt of the Committee of Eſtates were for a Treaty, and moſt of the Officers of the *Scotiſh* Forces were Capitulating for themſelves.

The chief Arguments propoſed to perſwade the neceſſity of this Agreement, were the improbability, if not impoſſibility, of reſiſtance if *Cromwel* ſhould joyn the Enemy, who had already invited him to *Edinburgh* by a Meſſage ſent him to *Berwick* by *Argyle*, *Elcho*, and other two Commiſſioners, which they doubted not but he would accept; The fear this Conjunction would beget in the Country would hinder their Riſing, and drive their Army either to a want of Subſiſtence, or to deſtroy their Friends, and turn them Malecontents firſt, and then Enemies: but above all, ſome pretended the fitneſs of preſerving the Kings Friends and Favourers to a better opportunity for his Service, which they hoped would quickly offer it ſelf.

It was objected againſt the Treaty, That the Relief of their Prince from ſuch a cruel Captivity, was a juſt cauſe; That they had Law and Authority upon their ſide, and ſo ought not to be diffident of ſucceſs, or fearful that lawleſs Rebellion, how ſtrong ſoever, ſhould proſper; That their *Enemies* joyning with *Cromwel* and his Army of *Sectaries*, would make them the more hated, and quickly diſcover that it was not Religion and Reformation they intended, as they always gave out, but that they ſought the Government and Worldly ends, whereupon many of both Nations would fall from them; That the Kings Safety, and the Preſervation of their Friends then Priſoners in *England*, depended much upon them, and their Continuing in Arms; That they were bound to continue in their Duty, and wait for what Change God would bring about, and that ſuppoſe good Conditions were granted, what aſſurance could be given for the performance of them? Thoſe who oppo-

oppoſed the Treaty were the Earl of *Lanerick*, and moſt of the *Iriſh* Officers. In end *Lanerick* was prevailed with to give way to it, which he did not only then declare was againſt his Heart, and done meerly to prevent a Rupture that had otherwiſe followed among themſelves; but he continued to his Death condemning it, whatever ſeeming colours of reaſon might be given for it. The Officers of the Army brought from *Ireland*, ſeeing they would be infallibly ruined if they were deprived of the Authority of the Committee of Eſtates, were likewiſe forced to give way to a Treaty; ſo the following Articles were agreed on and ſent to the *Whiggamores*. *An.* 1648.

Articles offered for a Treaty.

WE being Servants to the State, and unwilling to engage in a Civil War, do conceive our ſelves obliged to remit the ways of proſecuting of all Duties to Religion, and to our King, to the determination of Church and State; and let them move in it as they will be anſwerable to God, our Lives ſhall ever be ready to be expoſed to all hazards for the good of both: and if all duties for them, and for our friends Releaſe in England, *ſhall now be deſerted, let the blame before God and Men lye upon the obſtructers of it. And if no further uſe be made of our Service, we do demand,*

I. *That Security be given to all who are or have been engaged in this Service, for their Perſons, Honours, and Eſtates, whereby they may be free from all Dangers, Prejudices, and Cenſures whatſoever, whether Eccleſiaſtical or Civil, for their acceſſion to the late Engagement, or any thing done by them relating thereunto, or to this preſent Service, for our own Defence; and this to be confirmed by Act of Parliament, or the lawful Authority of the Kingdom.*

II. *That in regard of our extraordinary Charges and Loſs, one Months Pay be inſtantly delivered us for payment of the* Iriſh *Forces, and that Boats and Ships be preſently provided for their Tranſportation to* Ireland; *and for preventing all Diſorders upon their March through the Weſt Country by free Quartering, we do deſire that a regular Courſe may be taken for their Entertainment during their abode, which ſhall be no longer than Wind and Weather ſhall ſerve, and Boats be provided to tranſport them.*

III. *That one Months Pay be provided for the* Scotiſh *Forces, and that they be not disbanded until the* Iriſh *Forces be tranſported, or that ſufficient Pledges be delivered for performance of what is deſired, and that their Diſbanding and Tranſportation be done by Authority of the Committee of Eſtates.*

Theſe reaſonable Demands being performed, we the Iriſh *are ready inſtantly to march towards any part of the Weſt-coaſt, which ſhall be thought moſt fit for our Tranſportation into* Ireland, *and we the* Scots *inſtantly to disband; otherwiſe rather than expoſe our Lives and Fortunes to the mercy of any by the want of fitting Aſſurances for what is paſt, or the loſs of our Honours by deſerting the Intereſt of thoſe commanded by us, or who joyn with us, we are reſolved to ſacrifice our ſelves at the deareſt rates we can, and take God to witneſs how free we are of the Guilt and Conſequences that may follow thereupon.*

We have appointed our Commiſſioners to ſtay no longer than ſix a clock at night to morrow the 19th, *and that the Treaty ſhall then end, and the Ceſſation to expire eight hours thereafter, unleſs the Deſires above-mentioned be fully granted.*

Signed by the Warrant and at the Command of the Officers, and others now in Arms, by Authority of the Parliament of the Kingdom of *Scotland*,

Sterlin 18th September 1648. *JO. SPALDING.*

To

An. 1648. To theſe they had the following Anſwer returned them.

The Anſwer ſent to theſe offers.

WE have conſidered the Deſires of the Officers and Souldiers at Sterlin, *and do return this Anſwer:*

That the Imputation of neglecting all Duties to Religion, and to the King, mentioned in the Preface to the Articles, cannot be charged upon us, who have never been wanting in the uſe of all lawful Means to proſecute the Ends of our Solemn League *and* Covenant; *but upon thoſe who joined in the proſecution of the late unlawful Engagement againſt our Neighbour-Nation of* England, *which hath been deſtructive to all thoſe Ends.*

Touching the firſt Article we refer you to the Anſwer given in our former Papers; and do here again declare, that we ſhall not challenge any of your number for their Lives and Eſtates, but ſhall endeavour to ſecure them ſo far as we can, without approbation of their Actions, or breach of the Covenant and Treaties. And for that which concerns Exemption from Church-Cenſures, we cannot meddle therein without breach of Covenant, but muſt refer you to the Judicatories of the Kirk, to whom you may make your own Addreſs, and receive Anſwer.

Concerning the ſecond and third Article, we refer you to the Anſwer given by our Commiſſioners to the Commiſſioners on your ſide, which was, that we held it unreaſonable that they ſhould deſire any thing from us, or any other who adhere to us, for ſatisfaction of their Officers and Souldiers, becauſe we will not involve our Selves in any thing which may import any acceſſion to the late Engagement, or may be the ground of a Quarrel to England *againſt this Kingdom: but if they had real inclinations to Peace, they and their Adherents, might without our acceſſion thereunto take courſe amongſt themſelves for giving ſatisfaction to their Officers and Souldiers; and therefore we did deſire, and do now again renew the ſame, that all their Forces, and the Forces of thoſe who adhere unto them, may be disbanded betwixt this and the* 25th, *at furtheſt the* 28th, *of this Month* September, *and that none of them be found together after that time, in Troops, Companies, or Regiments; and we ſhall betwixt this and the ſaid day disband all our Forces, and none of them after that time ſhall be found in Troops, Companies or Regiments; for the punctual obſervance whereof on both ſides mutual Pledges are to be given, and further we cannot ſay in anſwer to theſe Articles.*

If you ſhall not agree to the Deſires made in our laſt Paper of the 16th *of this Inſtant, and not reſt ſatisfied with theſe Anſwers, but ſhall continue in Arms to the diſturbance of the Peace of this Kingdom, and perſiſt in the Cauſes in the which you are now engaged, contrary to the Declaration of the General Aſſembly and their Commiſſioners;*

We do hereby certifie you, that all who have been Active in the late Engagement, as well thoſe in England, *as thoſe in this* Kingdom, *and all ſuch as have or ſhall hereafter joyn with you, are to be declared Enemies to both Kingdoms, and that this Kingdom will be neceſſitated to concur with the Kingdom of* England, *for puniſhing them accordingly as breakers of the Covenant and Treaties.*

We leave it to you ſeriouſly to conſider, whether the Ways and Courſes you are upon be really for the good of the King and this Kingdom, or a ſafe way for the relief of your Friends that are Priſoners in England.

Signed,

By Warrant and Command of the Noblemen, Officers, and Gentlemen now in Armes for the Covenant,

Edinb. 20th Sept. 1648. *THO. HENDERSON.*

After

After ſome dayes treating upon the Heads wherein they differed, the Treaty was finiſhed upon the 26th of *September*, thoſe at *Sterlin* yielding to the Propoſitions made by the *Whiggamors*. *An.* 1648.

And it was agreed that the *Iriſh* Army ſhould be ſuffered to march to *Ireland*, and ſhould have free Paſſage thither; that none ſhould be queſtioned for what was paſt; only that all who had been in the Engagement, ſhould lay down their Offices and places of Truſt, and not be permitted to ſit in any Judicatory, and that all Publick Matters ſhould be referred to the Determination of the Parliament, and the General Aſſembly.

It was very ſoon after the cloſing of the Treaty remarked, how ſmall regard was had to it; for the Troops being once diſſipated, and thoſe who were to go to *Ireland*, being on their March thither, there came News that the Garriſons of *Carrick-Fergus*, *Belfaſt*, and *Culrain*, belonging to the *Scotiſh* Army in *Ireland*, under the Command of Major-General *Robert Monro*, were baſely betrayed under Truſt by his own Officers, and Countrey-men, into the hands of General *Monk* for the Parliament of *England*.

This being ſpread about, the people of the Weſt Countrey fell upon thoſe who were returning to *Ireland*, plundered, abuſed, and diſperſed them in their way betwixt *Glaſgow* and *Air*: and after a few days a Proclamation was iſſued out at *Edinbourgh*, commanding all perſons, who had been in the Army, deſigned by the name of the unlawful Engagement, to remove at leaſt twelve Miles from Town under pain of Impriſonment, *Cromwell* being on his way thither.

And thus ended the deſign of the Engagement, gallantly undertaken and well contrived, but unfortunately and fatally brought to nothing. The *Whiggamors* having now poſſeſſed themſelves of the Power, their Leaders did conſtitute themſelves into a Committee of Eſtates, for hitherto they had acted in no Legal Character. There were divers among them, who were by Authority of Parliament commiſſionated to be of the Committee of Eſtates, but with this expreſs Proviſion, that they ſhould not be capable of Sitting there till they had owned the Reſolutions and Declarations of the Parliament; for divers of thoſe who diſſented, were named to be of the Committee, that ſo there might be a fair way for bringing them off from their Oppoſition. But now all theſe without regarding that Proviſion, pretended they were a *Quorum* of the Committee of Eſtates, and that ſo they were warranted by Authority of Parliament to Act in that Supreme Authority. They ſent a Meſſage to the King in their uſual ſtyle, and were very careful to give no Umbrage to the Parliament of *England*; and ſo not only entertained *Cromwell* with all the expreſſions of Friendſhip and Confidence imaginable, delivering *Berwick* and *Carliſle* to him, but ſent Commiſſioners with the following Inſtructions to the Two Houſes.

Their Inſtructions to the Two Houſes.

YOu ſhall repair to London, *and deliver our Letter to the Honourable Houſes of the Parliament of* England.

You ſhall excuſe the long delay in ſending to them, and in the mean time let them know, we hold Correſpondence with the Commander in Chief of their Forces.

You ſhall give them a Narrative of our whole Proceedings according to the Declaration of the Kirk, and our own; particularly you ſhall acquaint

An. 1648. *quaint them with our Proceedings in oppoſition to the late unlawful Engagement, and what Induſtry was uſed on the other part, for the Election of Malignants to be Members of Parliament, and how unlawfully ſome were admitted to ſit in Parliament; and great numbers of Malignants were brought in from* England, *to over-awe the honeſt Party, and how many of the Army were corrupted.*

And you ſhall further repreſent particularly the great Sufferings and Oppreſſions of honeſt men, and that before they heard any thing of the Defeat of the Forces under Duke Hamilton *in* England, *they had reſolved on the manner and time of their Riſing in Arms here in this Kingdom, againſt the Promoters and Abettors of that Engagement, and their Adherents. You ſhall alſo ſhew them the reſult of the Treaty betwixt us and thoſe Armies about* Sterlin, *and how uſeful their Forces have been to us by being at ſo near a diſtance.*

You ſhall endeavour to take away all Miſ-information or Miſ-conſtructions of any of our former Proceedings, and ſettle a good Underſtanding betwixt them and the honeſt proteſting Party in Scotland: *and you ſhall ſhow them the continued evil Principles, Malice, and Deſigns of the Malignant Party in this Kingdom, yet to trouble our Peace and interrupt theirs, and as they call it, not to live and outlive the not carrying on ſo pious and loyal an Engagement: and that ſome of them are going to* Holland *with an intention, as we are informed, to bring over Forces if they can: therefore we have cauſed deliver* Berwick *to be diſpoſed of for the Good of both Kingdoms, and given the like Warrant for* Carliſle; *and that it is alſo ſurrendred, or preſently to ſurrender for the uſe foreſaid. So we agree during theſe Troubles, until the Peace of this Kingdom be ſettled, that the Honourable Houſes may keep ſome Forces upon the Borders, and ſufficient Garriſons in them both, upon a twofold aſſurance: Firſt, that in caſe any new Troubles be raiſed in* Scotland *by the Malignants, both they and the Forces about* Newcaſtle *have Directions from the Parliament to come unto* Scotland, *to purſue the Common Enemy when they ſhall be deſired by the Committee of Eſtates, as it is now conſtituted of the Proteſting Party in* Scotland: *and Secondly, that the Parliament ſhall remove all Garriſons out of thoſe two Towns, and from our Borders, and put them in the Condition agreed on by the Treaties betwixt both Kingdoms, whenſoever the Troubles are at an end, and the Peace of the Kingdoms ſettled.*

You ſhall ſhew how deſirous and willing we are to harken to any good Overture that may conduce to prevent any ſuch-like Breaches again betwixt the Two Nations, and that it may not be in the power of Malignants again either to ſeduce, or to enforce upon the People the like Sin and Snare; and for mutual Conſultation, we think it expedient, both that they ſhould have ſome honeſt Noblemen, Commiſſioners, here to reſide at Edinburgh, *and that we ſhall have ſome at* London, *that by Commutation of Counſels, our Common Peace may be the better ſettled and continued.*

You ſhall try if the Treaty betwixt the Kings Majeſty and the Two Houſes of Parliament be like to take effect, and ſhall ſtudy to preſerve the Intereſt of this Kingdom in the matter of the ſettling of the Peace of theſe Kingdoms: and if you ſhall find there are real Grounds to hope an Agreement betwixt the King and the Two Houſes, in reſpect both Kingdomes are engaged in the ſame Cauſe and Covenant, and have been, and ſtill are under the ſame Dangers, and to the end our Peace may be more durable, you ſhall endeavour that before any Agreement of Peace

be

be made, we may be first acquainted therewith, that we may send up Commissions in relation to the Treaty with the King, upon the Propositions, and in relation to mutual Advice, for the settling of the Peace of these Kingdomes, and accordingly as you find the Two Houses inclined therein, you shall give us Advertisement. An. 1649.

You shall according as upon the place it shall be found expedient, present the same Desires to the Two Houses of Parliament in name of this Kingdome, touching the Work of Reformation, as shall be presented to them from this Kirk.

You shall assist Mr. Blair *in this Imployment, and take his advice and assistance in yours, and give us Advertisement weekly how all matters goe.*

You shall publish all Papers either concerning the Proceedings of the Church, or of the Protesters, which are necessary to be known.

You shall endeavour to keep a good Understanding betwixt us and the City, and the Assembly of Divines; and strive to remove all Jealousies betwixt us and them, or betwixt honest men amongst themselves.

You shall endeavour that honest men who have suffered for opposing the Engagement be not prejudiced, but furthered in payment of the Sumes assigned unto them before the Engagement, out of the two hundred thousand pound Sterling, and Brotherly Assistance, for publick Debts or Losses.

You shall acquaint the Speakers of both Houses with his Majesties Letter to this Committee, and our Answer sent to Him.

You shall desire that the Noblemen, and Gentlemen of Quality, and considerable Officers of the Army that went into England *under the Duke of* Hamilton, *and which are now there Prisoners may be kept as Pledges of the Peace of the Kingdomes, especially to prevent a new Disturbance in this Kingdome, or Trouble from this Kingdome to* England, *until the Peace of both be settled.*

You shall acquaint the Two Houses with our Answer to that of L. General Cromwell's, *of the sixth of this Instant, and make use of the Grounds therein mentioned as you shall find occasion.*

Their next Care was to look well to *Lanerick*, and the other Engagers, lest they should attempt somewhat against them; the account of which shall be set down in a Letter *Lanerick* wrote to the Lord Chancellour when he left *Scotland*. For in the end of *January*, the Earl of *Lauderdale* came from *Holland*, being commanded by the Prince to see what might be done there: but he found all so discouraged and overpowered, that no good was to be expected; and he got advertisement from the Lord *Balmerino*, that they designed to secure both *Lanerick* and himselfe, and, as he believed, would deliver them up to the Parliament of *England* as Incendiaries; whereupon they both resolved to go beyond Sea, in the same Ship in which *Lauderdale* came, and to offer their Service to the Prince. The Letter follows.

Lanerick appointed to be secured, but escapes to *Holland*.

My Lord,

ALbeit the Proceedings of the late Committee, constituted of Dissenters, against me, was without president in Confining me a free Subject,

An. 1649. *(who was neither Guilty, nor ſo much as accuſed of any Guilt or Breach of the Laws of the Kingdome) for declining to ſign a Declaration and Bond, which even they themſelves conceived (in Juſtice) they could not enjoyn me to ſign: yet I did ſubmit, and went not without the Bounds limited for my Confinement, until I was certainly informed that upon* Wedneſday *laſt, at a private and ſelect Committee it was reſolved, I ſhould inſtantly be Committed, and the little Liberty left me taken from me; for it ſeems that theſe private perſons (I ſpeak not of Judicatories) who procured the ſevere Inſtructions given thoſe employed to* London, *againſt my Brother the Duke of* Hamilton, *and the many Noble and Gallant Perſons who are now in Bonds with him for their Loyal Endeavours to have reſcued His Majeſty from being murthered, are not ſatisfied, or think themſelves ſecure, while any enjoy their Liberties, who would have been Inſtruments in that pious Duty to our Sovereign; therefore I am forced to ſeek ſhelter and protection abroad; ſince Innocency and Law, and even Treaties and Publick Engagements, prove now too weak Grounds for ſecuring me at home. And though this rigid and unparalelled Procedure againſt me might have tempted the dulleſt and calmeſt nature to ſome Deſperation, yet I have ſtill preferred the Peace and Quiet of* Scotland *to all my own Intereſts; and I do ingeniouſly declare upon my Honour unto your Lordſhip, that I neither have had, neither do I know of any Deſign from abroad or at home of interrupting the ſame: and now in whatſoever corner of the World it ſhall pleaſe the Lord to throw me, as I ſhall endeavour (by his aſſiſtance) to maintain my Loyalty to my Prince untainted, ſo I ſhall ſtill preſerve a perfect affection to the Peace and Happineſs of my Country. My prayers to God ſhall be, that it may yet be inſtrumental of advancing the Work of Reformation, and ſo fixing the Crowns of theſe Kingdomes upon the Head of our Soveraign Lord the King, and of His Royal Progeny after Him, that Faction and Rebellion may never be able to ſhake or interrupt their Government; that Loyalty may loſe the name of Malignancy, and a good Chriſtian may with Safety and without Scandal be and profeſs to be a good Subject; that the Acts of unqueſtionable Parliaments, and the Decrees of other Sovereign Judicatories of this Kingdom may be Security ſufficient to the Subjects to govern their Civil Actions by; that they may be free of arbitrary Exactions and Impoſitions, and may enjoy with Truth and Peace their Eſtates and Liberties, without the tyrannous Encroachments of great men, and other impowered perſons: and I am confident that the God of Heaven, who will Judge all the Judges on earth, will avenge the wrongs of the oppreſſed, and in his own time reſtore me again to my Country, who am now forced by unjuſt Perſecution to flee from it. This I ſhall patiently wait for, and give your Lordſhip no more Trouble, but deſire you to make what uſe of this you think fit, from,*

My Lord,

Dirleton 25th January, 1649.

Your Lordſhips moſt humble Servant,

LANERICK.

But now I return to proſecute what remains to be ſaid of the Duke.

Anno

Anno 1649.

An. 1649.

ON the 4th of *December* Orders were ſent to bring him to *Windſor*, and he came thither the 11th of that Month. He was lodged in the Houſe of one of the poor Knights of *Windſor*, and kept under ſtrict Guards; yet on the 21th of that Month, as the King was carried through *Windſor*, he prevailed ſo far with his Keepers as to permit him to ſee his Majeſty: and as he paſſed he kneeled down, and with a tranſport of humble Sorrow kiſſed his hand, and had only time to ſay, *My dear Maſter*; the King embraced him very kindly, and ſaid, *I have been ſo indeed to you*: but they were parted, and ſuffered to have no diſcourſe. It may eaſily be imagined, with what ſorrow he followed the King with his eyes as far as he could ſee him, knowing he was to do ſo no more: nor did he much regrate his preſent Trouble or imminent Danger, all his thoughts being ſwallowed up in ſorrow at the Conſideration of his Maſter's Ruin, which was then no more to be doubted; the Army and Houſe (as it was then modelled, or rather forced) having avowed their Deſign againſt his Perſon, and thrown off the Diſguiſe with which they had long mask'd themſelves.

The Parliament of *England* had upon the matter condemned the Duke to perpetual Impriſonment, by ſetting an hundred thouſand pound ſterling for his Ranſome, which ſum could not be raiſed by him, at a time when by the Debts he had contracted in the Kings Service his Fortune was fallen ſo low. *Cromwel* came ſeveral times to him, to draw from him ſome Diſcoveries of his Correſpondents in *England*, and gave him great aſſurances of Life, Rewards, and Secrecy; but he rejected the Propoſition with horrour and diſdain, though often repeated; and apprehending they might get his Brother into their hands, ſent him at that time the following Note, which I ſet down though unfiniſht, and written with the Juyce of a Lemmon.

Much pains is taken to draw diſcoveries from him, but in vain.

I *Under the power of the Sword, and mercileſs men, no favour to be expected, oft examined, but nothing diſcovered, being ignorant; perhaps you will abide the ſame Trial, beware if you do.*

The thirtieth of *January* was that fatal and never-to-be-forgotten Day wherein His Sacred Majeſty, after the Pageantry of a Trial, to add the appearance of Juſtice to ſo baſe and barbarous a Murder, was beheaded, to the Amazement of all *Europe*, by an unexampled practice in any Monarchy. But the particulars of his Royal Conſtancy and Chriſtian Patience, being ſo punctually related by others, I ſhall not ſtand to repeat what is already known: but having propoſed to my ſelf nothing more in this whole Work, than to let the World ſee the great Piety and ſtrictneſs of Conſcience that Bleſſed Prince carried along with him in all his Affairs, and to publiſh ſuch Remains of his Pen as had not been formerly ſeen or known. I ſhall therefore inſert a Copy of Verſes written by his Majeſty in his Captivity, which a very worthy Gentleman, who had the honour of waiting on him then, and was much truſted by him, Copied out from the Original, who avoucheth it to be a true Copy; but I ſhall firſt preſent that Royal Martyr to the Readers view, in the Poſture which was moſt familiar to Him, and then ſet down thoſe Verſes, in which the mighty ſenſe and the great Piety will be found to be beyond all the fineſt ſublimities of Poetry, which yet are not wanting here.

An. 1648.

Rom. VIII.

—more than Conquerour.

Alij diutius Imperium tenuerunt, nemo tam fortiter reliquit. Tacit. Histor. Lib. 2. c. 47. p. 417.

Bona agere, & mala pati Regium est.

An. 1648.

MAJESTY in MISERY:

OR,

An Imploration to the KING of Kings.

Written by His late Majesty King *CHARLES* the First, during His Captivity at *Carisbrook* Castle, *Anno Dom.* 1648.

1 GREAT *Monarch of the World, from whose* (*Power Springs*
The Potency and Power of Kings,
Record the Royal Woe my Suffering sings;

2 *And teach my tongue, that ever did confine*
Its faculties in Truths Seraphick Line,
To track the Treasons of thy foes and mine.

3 *Nature and Law, by thy Divine Decree*
(The only Root of Righteous Royaltie)
With this dim Diadem invested me,

4 *With it, the sacred Scepter, Purple Robe,*
The Holy Unction, and the Royal Globe:
Yet am I levell'd with the life of Job.

5 *The fiercest Furies, that do daily tread*
Upon my Grief, my Gray Dis-crowned Head,
Are those that owe my Bounty for their Bread.

6 *They raise a War, and Christen it,* The Cause,
Whilst sacrilegious hands have best applause,
Plunder and Murder are the Kingdoms Laws;

7 *Tyranny bears the Title of* Taxation,
Revenge and Robbery are Reformation,
Oppression gains the name of Sequestration.

My

An. 1649.

8 *My Loyal Subjects who in this bad ſeaſon*
Attend me (by the Law of God and Reaſon)
They dare impeach, and puniſh for High Treaſon.

9 *Next at the Clergy dò their Furies frown,*
Pious Epiſcopacy muſt go down,
They will deſtroy the Croſier and the Crown.

10 *Church-men are chain'd, and Schiſmaticks are free'd,*
Mechanicks preach, and Holy Fathers bleed,
The Crown is crucified with the Creed.

11 *The Church of* England *doth all Faction foſter,*
The Pulpit *is uſurpt by each Impoſtor,*
Ex tempore *excludes the* Pater noſter.

12 *The* Presbyter *and* Independent *Seed*
Springs with broad blades; to make Religion bleed,
Herod *and* Pontius Pilate *are agreed.*

13 *The Corner-ſtone's miſplac'd by every Pavier;*
With ſuch a bloody method and behaviour,
Their Anceſtors did crucifie our Saviour.

14 *My Royal Conſort, from whoſe fruitful Womb*
So many Princes legally have come,
Is forc'd in Pilgrimage to ſeek a Tomb.

15 *Great* Britain's *Heir is forced into* France,
Whilſt on his Father's head his foes advance:
Poor Child! He weeps out his Inheritance.

16 *With my own Power my Majeſty they wound,*
In the King's Name the King himſelf's uncrown'd:
So doth the Duſt deſtroy the Diamond.

17 *With*

An. 1649.

With Propoſitions daily they enchant
My Peoples ears, ſuch as do Reaſon daunt,
And the Almighty will not let me grant.

18 *They promiſe to erect my Royal Stem,*
To make Me great, t'advance my Diadem,
If I will firſt fall down, and worſhip them;

19 *But for refuſal they devour my Thrones,*
Diſtreſs my Children, and deſtroy my bones,
I fear they'l force me to make bread of ſtones.

20 *My Life they prize at ſuch a ſlender rate,*
That in my abſence they draw Bills of hate,
To prove the King a Traytor to the State.

21 *Felons obtain more priviledge than I,*
They are allow'd to anſwer e're they die,
'Tis death for me to ask the reaſon, Why.

22 *But, Sacred Saviour, with thy words I woo*
Thee to forgive, and not be bitter to
Such, as thou know'ſt do not know what they do.

23 *For ſince they from their Lord are ſo disjointed,*
As to contemn thoſe Edicts he appointed,
How can they prize the Power of his Anointed?

24 *Augment my Patience, nullifie my Hate,*
Preſerve my Iſſue, and inſpire my Mate,
Yet though We periſh, bleſs this Church and State.

Vota dabunt quæ bella negarunt.

An. 1649. But I go on from this ſad ſubject to the tragical Concluſion of the Duke's Life.

The News of that Murder ſunk the Duke's thoughts into a deep Sorrow, which he carried with him to his Grave: he well ſaw his own Danger, knowing that thoſe who had broken all the bonds of Loyalty and Duty, were not to tie themſelves to the faith of a Capitulation or Articles, though granted by a perſon impowered by them; and therefore he deſigned an Eſcape from *Windſor* that night, which was contrived by his faithful Servant Mr. *Cole*, afterwards one of the Kings Quirries, who during his impriſonment had liberty to go and return from *London*, which he did very frequently, bringing him an account of what paſſed. And the Duke having gained his Keeper, ordered Mr. *Cole* to ſend a truſty Servant with two Horſes to *Windſor*, which accordingly he did; advertiſing the Duke not to come to the City till ſeven a Clock in the Morning, and then Mr. *Cole* was to come to him near *London*, and bring him to ſome ſecure Houſe in the City; whereupon at night about the time of ſhutting the Gates, the Duke made his Eſcape freely out of the Caſtle, without ſuſpicion, and came to the Place appointed, where his Servant and Horſes waited for him. But he fatally went from the Reſolutions he had laid down with Mr. *Cole*, and would needs go in the night to *Southwark*, thinking to have got to Mr. *Owen's* Houſe, who was acquainted with the buſineſs; not conſidering what had been told him of the Guards were about the City all the night, ſo that there was no coming to it but in the day: and all things concurring to haſten him to his Grave, there was that night a Party of Horſe and Foot in *Southwark* ſearching for Sir *Lewis Dyves*, and another who had eſcaped the night before. Some of them meeting the Duke in the Streets about four in the morning, where he had long knocked at a door, took him, and examined him: he told them a very formal Story of himſelf and his buſineſs, which at firſt ſatisfied them; but they obſerved, that as he took a pipe of Tobacco by them, he burned ſeveral great Papers to fire it; whereupon they ſearched him, and found ſuch Papers about him as diſcovered him. It was not before the next morning that he was miſſed at *Windſor*, for that night he made his Eſcape there came an Order from *Cromwel* to the Governour of *Windſor* to make him cloſe Priſoner, and put all his Servants from him, who thereupon ordered the Captain of the Guard to go about it; but he hearing the Duke was a-bed, delayed it till next morning, and then found he was gone. It being diſcovered that Mr. *Cole* had ordered the Duk's Eſcape, many adviſed him to go out of the way; but he reſolved rather to die than to leave his Maſter at ſuch a time, and made a ſhift to come at him that ſame evening. When the Duke ſaw him, he lifted up his hands, and ſaid, *It was Gods will it ſhould be thus.* That night Mr. *Cole* was alſo taken, and Sir *Hardreſs Waller* examined him, but drew nothing from him, whereupon he was made cloſe Priſoner; yet when the Duke was brought to his Trial he procured his Liberty, for the Averment of ſome particulars of his Plea.

The Duke makes an Eſcape from *Windſor*,

but is re-taken in *Southwark*,

The Duke being thus unfortunately retaken, he was committed to Priſon at St. *James's*, in the ſame Room where the Earl of *Norwich*, the Lord *Capel*, and Sir *John Owen* were Priſoners, and then all ſaw in what danger his Life was: whereupon great endeavours were uſed and ſtrong applications made in *Scotland* to the Marquis of *Argyle*, who had then

and is kept in St. *James's*.

the

the chief Power there, that the Committee of Estates would so far study his Preservation, as to own that what he did was by the Authority of that Kingdom, that so whatever other Punishment they would lay on him, his Life might not go for it: And it had been faithfully promised by all the Leaders of that Party, at the Pacification at *Sterlin*, either to save his Life, or to make his Death a National Quarrel. But the Marquis of *Argyle* would not interpose; and though the Dukes Daughter, the present Dutchess of *Hamilton*, left no means unessayed to prevail on him; yet all was in vain, for he pretended that since those in *England* had murdered their King, notwithstanding their Commissioners protesting against it, it was not to be expected their interposition in other things could be of any weight; nor was it fit they should any more address to the Murderers of their Soveraign. So all hopes of any Mediation that way failed; and not only that, but *Lambert* being prevailed on by the offer of a good Sum, to claim the Duke as his Prisoner, some Letters came from *Scotland* about it, upon which *Lambert* was advised not to insist on that Demand. This was vouched to the Writer from several hands, who had it both from *Lambert* himself, and some other considerable men in the Two Houses. *An.* 1649. These who had the power in *Scotland* refuse to move for him.

But now his Majesties Blood not having satisfied the Cruelty of the New Usurpers, their next design was against those who had served him faithfully; and therefore the Duke was brought to his Tryal, and honoured to be the first of those who followed his Master in that Glorious Martyrdom.

The Usurpers ordained the pretended Court of Justice to proceed against him: so in the 6th of *February*, he was brought to a Tryal. It will not be hard to perswade the Reader, without further inquiry, that those who embrued their hands in the Blood of their Soveraign, thereby breaking loose from all Ties Sacred and Humane, could not stand much at the effusion of meaner Blood; no, their Consciences were seared with their former Crime, so that nothing could be so wicked but they were stout enough for attempting it: yet they chose to varnish over their perfidious Cruelty with some Colours and Appearances of Justice; but the Disguise was so thin, that it served them to no other purpose, but to add hypocrisie to their former Villany: which will evidently appear from the following Tryal, drawn partly from the Journal of the Court, and partly from Notes of what passed, taken by some Eye-witnesses. *Steel* and *Cook*, the Counsel for the People of *England*, did exhibit on the 6th of *February*, being *Friday*, the following Charge.

That the Earl of Cambridge *about the* 19th *of* July *last, Traiterously invaded this Nation in a Hostile manner, and levied War to assist the King against the Kingdom and People of* England, *and had committed Sundry Murders, Outrages, Rapines, Wastes, and Spoiles, upon the said People; and particularly about the* 20th *of* August, *near* Preston *did make War, joyn Battle and fight against the Forces of the Parliament, and therein did murder, and kill* Collonel Thornley *and others.* The Charge given against him.

To this the Duke put in the Declinatour and special Plea following, intending at last to answer the Charge, if the Plea was not sufficient; having first told the Court, he was better known by another name The Dukes Plea.

An. 1649. than the Earl of *Cambridge*. His Plea conſiſted of three Heads. Firſt, he pleaded this his undertaking that Imployment, was by Command of the Parliament, and Supreme Authority of the Kingdom of *Scotland*, for ſuch ends as he conceived were good and juſtifiable, and in no way derogatory to the Peace and Happineſs of theſe Dominions; That he did earneſtly endeavour to decline it, but that not being accepted of, he could not diſobey their Commands without incurring the ſevereſt Cenſures. Secondly, that he was born in *Scotland* before the Naturalization of his Father in *England*, therefore he conceived himſelf an *Alien*, and not triable in *England*. Thirdly, that he had rendred himſelf Priſoner upon Capitulation and Articles with thoſe who had Major-General *Lamberts* Commiſſion; and that by theſe, he was, firſt, a Priſoner of War; next his Life and the Safety of his Perſon was ſecured to him by the Articles, which were ſigned by the Commiſſioners of both ſides, before he was their Priſoner, and that they could faſten neither a Breach, nor non-performance on him. Upon this the Counſel of the People cauſed the Act of his Fathers Naturalization to be read, & ſpake a little to aggravate and ſet out his Fact; but he deſired a convenient time to procure Papers, Witneſſes, and other Evidences material to his Plea, which he ſaid was ſeldom denied to any in that condition; and it was well known to many there, how that ſince the beginning of this Parliament, many weeks were granted to an Eminent Man upon his Trial (by whom he meant the Earl of *Strafford*, who had time allowed him to ſend to *Ireland*.) The Court adjourned to the next day without giving him any ſatisfactory Anſwer. But the Dukes Carriage and Diſcourſe that day gained much on all the Spectators, being ſo ſerene and calm that his very Enemies did applaud it.

The Second Appearance. *Saturday* the 10th in the Evening his Grace was again brought to the Bar, and he deſired Counſel which was granted; and it was referred to him, whether the Court or himſelf ſhould name them, which he then paſſed over, and without much ſpeaking on either ſide the Court adjourned, notice being given him that he muſt appear again on *Tueſday* the 13th; but no Order being iſſued forth for Counſel, ſome Counſel who were dealt with did decline the Imployment.

The Third Appearance. *Tueſday* the 13th his Grace being brought again to the Bar, deſired a longer time, ſince notwithſtanding ſerious means had been uſed, no Lawyer would be his Counſel without the Courts Orders. This was granted by the Preſident after ſome Expoſtulation, and upon his Graces Nomination, Mr. *Chute*, Mr. *Hales*, Mr. *Parſons*, and Dr. *Walker* were aſſigned him for Counſel, to have free acceſs to him, in the preſence and hearing of ſome of his Keepers, and to be ready againſt *Teurſday* following to maintain his Plea, upon which the Court adjourned till the 15th.

The Fourth Appearance. *Thurſday* the 15th his Grace being again brought before the Court, declared that their Order being offered to his Counſel, they all found themſelves unable to plead for him, or to do what was otherwiſe fitting, and ſo had refuſed to come and ſpeak with him at St. *James*'s. The Court objected the time they had already granted, and alledged this was a meer delay: but his Grace proteſted it was true, and offered one of his Servants to atteſt it. Doctor *Walker* in Court declared, he would not be of his Counſel, by reaſon of his Imployment under the Parliament. His Grace deſired a convenient time as was uſual in the like Caſes, not only in reſpect of his Lawyers, but

that

that he might ſend to *Scotland*, and other remote Places for Witneſſes, and Evidences, neceſſary for his Defence; ſince no prejudice could come by that Delay, and this was denied to none in Tryal for Life, and had been granted to *Mac-Guire* and *Mac-Hun* two *Iriſh* Men. But for his Counſel the Court Ordained, that any of the Six he ſhould name might be Authorized to adviſe with him in private, and to ſpeak in Court in the matter of Law ariſing out of the Fact of the Plea, after the matter of Fact was handled, which his Grace was to maintain next *Saturday*. And for the Time he craved, they ſaid, he looked on the unreaſonable time was granted to *Strafford* and *Canterbury*, thoſe grand Offenders, with whom he had been too familiar, as Precedents; but thoſe were Precedents without a Precedent, and none were to expect the like at this time, eſpecially ſince there were now ſo many Priſoners to be Tryed. *An.* 1649.

Saturday the 17th His Grace was brought to the Court with ſome Witneſſes, his Counſel being neer, but not preſent; and in order to the Parts of his Plea, he firſt produced Duplicates of the Commiſſion, and Orders from the Parliament of *Scotland* and Committee of Eſtates there. The Court demanded Evidence for both; his Grace anſwered, were time granted he would not only ſufficiently prove theſe, but many other points belonging to his Juſtification: but the Court anſwered, that unleſs they were preſently atteſted *vivâ voce*, they would not ſuffer them to be read. Whereupon his Grace deſired that his Servant Mr. *Lewis* might be examined, whoſe Teſtimony was accepted, and the Papers he produced were received for Evidences and read. Next, the Declaration containing the ends of the Engagement was read, and being proved by the ſame Witneſs was left in Court with the former Papers. Then the Court upon his Grace's deſire produced the Original Articles of Capitulation, which were read; and Mr. *Cole* proved he ſaw them delivered to his Grace about nine in the Morning, before the Lord *Gray* came in. The Fifth Appearance. Witneſſes examined.

The L. *Gray* depoſed, That two ſeveral Summons, which were ſent by him to his Grace to yield upon Mercy, were both anſwered negatively in reſpect of the Ceſſation and Treaty; That by a Letter from *Cromwell*, dated *Warrington Auguſt* 20th, he was enjoined to purſue the *Scotiſh* Forces with all vigour; That he had received Letters from the *Staffordſhire*-Gentlemen with whom the Ceſſation begun, intimating that they had condeſcended to it, on purpoſe to gain a few days time to ſtrengthen themſelves, in regard the *Scots* were ſo numerous; and that he diſpatched away *Wayte* and *Peters* that morning in which the Treaty ended to proteſt againſt it.

Peters was next examined, and anſwered, That going that morning to proteſt, by order from the Lord *Gray*, he came accidentally to the Duke, where he found the Hoſtages in his Chamber, and asked if he was willing to be the Lord *Gray*'s Priſoner, who anſwered, he could not, in regard of the Treaty; but if he were afterwards to be diſpoſed of, he had rather be his Lordſhips Priſoner than any others, being of his acquaintance; That he had ſeen the Summons, and the negative Anſwer to them; That this was about five in the Morning; and that *Wayte* and he went apart of the way towards the place of Treaty, where he heard the Articles were concluded.

Lilburn was next examined, who depoſed, That the Articles were

An. 1649. ſigned by himſelf, and the other Treaties, about five in the morning, and were to be ratified by the Duke and *Lambert*; and that his own meaning of Preſerving the Dukes Life (he knew not how the reſt meant) was only to preſerve him from the violence of the Souldiers, and not from the Juſtice of the Parliament. At this *Peters* roſe up, expreſſing great diſlike of *Lilburn's* Gloſs, ſaying, that much tenderneſs was to be uſed where the Life of ſo eminent a perſon was concerned; That he had ſeen many Articles of War, but had never heard of ſuch ambiguity, and that it was clear by thoſe Articles the Duke held his Life ſecured, as well from the Parliament as the Souldiers; and wiſhed to God that if their Commiſſioners had meant otherwiſe, it had been ſo expreſſed in the Articles, it being moſt neceſſary that Articles were in a concernment of Life. The Preſident anſwered, *You ſay well for the future, but it is now too late.*

His Grace reſumed what had been ſaid, and ſpoke much on the Articles for weakening *Lilburn's* Gloſs.

The Duke is falſly accuſed by the Governour of *Windſor*-Caſtle.

Next the Governour and Marſhall of *Windſor* were examined about his Eſcape from *Windſor*-Caſtle: the Governour depoſed, that the Duke ſaid to him he needed not fear his Eſcape, he would be a true Priſoner, and not go away though the Gates were opened. The Marſhall ſaid, he only heard this from the Governour.

The Duke expreſſed a deep reſentment of this Injury done him by the Governour, who wounded his Honour ſo much, which he valued above all earthly things: and did ſhew how unlike it was that any ſuch thing was either demanded or granted, ſince that is only done for a little more Liberty, whereas he was all the while kept under ſtrict Guards; nor had he the liberty of walking in the Park, but was always guarded by two Keepers, the one lying all night in the Room next him, and the other every night locking the Door, and carrying the Key with him; That the Governours Teſtimony in this matter was not to be received, he being a Party, and now in hazard for his negligence, for he was told that if he eſcaped, he ſhould die for it: adding, that if he were not a Priſoner, he would deſire right of the Governour for that Scandal caſt on him, and chooſe no other place for it but *Weſtminſter-Hall.* But to all this the Governour made no Reply; only the Preſident ſaid, that though he could not blame the Earl of *Cambridge* for what he ſaid, yet for all that the Governour was not to be diſcredited.

The Duke pleads for himſelf from the Articles granted him.

After this the Duke ſpake a little to all the three Branches of his Plea, reſerving the fuller enlarging upon them to his Counſel. He inſiſted moſt on the Articles, which he doubted not were ſufficient to protect him; he deſired them to conſider, how Sacred Articles of War were reputed in all Places, and among all Nations, and how inviolably they were kept, all Princes and States being moſt careful to obſerve them, not only to Strangers, but to Subjects; having great regard to Articles, though only for Quarter, much more when there was a Capitulation for Life, adding the following Inſtances. *Eliſha* the Prophet would not ſuffer the King of *Iſrael* to kill the *Syrian* Captains, ſaying, *Wouldſt thou ſmite thoſe whom thou haſt taken Captive with thy Sword and thy Bow?* The Blood of *Abner* lay on *Joab's* head, who killed one that had the Kings Safe-conduct. The *Gibeonites* alſo, though they uſed *Joſhua* deceitfully, yet were preſerved according to the Articles

ticles given them; and not only *Saul's* Houſe, but the whole Land ſuffered for the violation of them. That Prince *Robert* and the Lord *Cottington*, though excepted from Life or Pardon by Act of Parliament, were notwithſtanding that, upon the Articles of the Rendition of *Oxford*, permitted to go beyond Sea, and never queſtioned for Life; and the like Juſtice was done the Earl of *Briſtol* and the Lord *Paulet*, upon the Articles of the Surrender of *Exeter*, though both were excepted from Pardon; and that the Lord *Fairfax* and the Officers of the Army were moſt careful to ſee Articles always kept, in which they judged their Honour deeply concerned, and had often written to the Parliament to that end: therefore he did not doubt the like Juſtice would be done him. By this time it was late, and the Preſident appointed *Monday* next for the Duke to finiſh his Plea in matter of Fact, ordering his Counſel to be in the Court for their better Information; and ſo they adjourned. *An.* 1649.

Monday the 19th the Duke and his Counſel were brought to the Bar. Collonel *Wayte* was examined, who depoſed, that the Duke rendred himſelf to be the Lord *Gray's* Priſoner, and deſired *Wayte* to protect him from the Multitude, who thereupon left a Guard at his going away. But during his Depoſition *Peters* ſaid, *he lies, he lies*; and *Peters*, *Spencer*, and other Officers who were with *Wayte* at *Utoxater*, being examined, did totally falſifie his Depoſition. Divers were alſo that day examined about the place of the Duke's Birth, who all ſwore, they heard it always ſaid that he was born at *Hamilton*, and that it was not a thing to be doubted of: others were examined about the Signing of the Articles, who all Witneſſed, that they were ſigned long before the Lord *Gray* came; and Major *Blackmore* deponed, that the Duke's being the Lord *Gray's* Priſoner, was by an Agreement betwixt him and *Lambert*, whoſe occaſions preſſed him to go ſuddenly North-ward. The ſixth Appearance.

After this the Duke ſpake a little, to ſhew how little weight was to be laid on *Wayt's* Teſtimony, which was ſo evidently diſproved. Next his Counſel asked the Courts Directions, how they ſhould proceed; and the Court anſwered, that after the matter of Fact was handled, they might plead in Law upon all the parts of the Plea: and they told the Duke by the next *Wedneſday* to finiſh his Evidence.

He deſired a Warrant for bringing ſome Gentlemen, then Priſoners in *White-hall*, who were his material Witneſſes: but the Court adjourned, and promiſed to conſider of that Motion in the Painted Chamber; yet they granted it not.

Wedneſday the 21ſt the Court ſate, and the Duke was brought to the Bar. Some were interrogated about the time of his Birth, to prove him *poſt-natus*: but it was not proved, one perſon only ſwearing, that he heard him ſay he was ſome years younger than the King. Evidence was alſo brought of his Conjunction with *Langdale*, which they accounted Treaſon; yet even that was not clearly proved, though it was much laboured. Some Letters of his to *Langdale* had been taken, and were brought into Court: but as the Letters proved no Conjunction, ſo it did not appear that they were his Letters: only *Peters* aſſerted they were like his hand. Then a Vote of the Two Houſes was read, repealing a former Vote of ſetting an hundred thouſand pounds Sterling upon him for Ranſome; and proof was brought, that notwithſtanding Articles were given, yet ſome had been forced to take the The ſeventh Appearance.

Nega-

An. 1649. Negative Oath, and thereby they ſtudied to evince that the Parliament did not hold themſelves bound to ſtand to Articles.

After this his Grace reſumed the ſubſtance of all thoſe Evidences, and ſhewed that it was not proved he was a *poſt-natus*, nor that he joyned with Sir *Marmaduke Langdale*, who neither received Orders nor the Word from him, but marched and quartered apart; and that though he had done otherwiſe, it could not be criminal in him, ſince he had no Orders to the contrary from the Parliament of *Scotland*, but was commanded by them to joyn with all who would concur with him for proſecuting the ends of the Engagement, of which Sir *Marmaduke* approving, he had no reaſon to refuſe Concurrence with him; neither could this be made Treaſon by the Law of *England*: of all which it ſeemed the Parliament was once well-ſatisfied, ſince by a Vote they had fined him in an hundred thouſand pound Sterling, as the price of his Liberty; by which it appeared they look'd not on him as a Traytor, but as an Enemy who had Life granted him by Articles.

Upon this the Court adjourned till *Thurſday* the 22d, and his Counſel were appointed to plead, and he was to cloſe his Evidence. The Duke was brought to the Bar, and by divers Witneſſes it was proved, that there was no Rendition made to the Lord *Gray*, but a plain Refuſal, and that the Treaty was ended, the Articles ſigned, and *Lambert* come up, before the Lord *Gray* came thither. There was alſo produced an Order of Parliament, made four years before, that No Quarters ſhould be given to any of the *Iriſh* in Arms, which inferred that others might have them; and another Order was read of the 14th *July* laſt, declaring all the *Scots* who entred *England* Enemies, and all the *Engliſh* and *Iriſh* who aſſiſted them Traytors, and with this he cloſed his Evidence: and ſince he was not to be ſuffered to ſpeak any more, he enlarged on all the parts of his Plea, and ſpake at length as follows.

The eighth Appearance.

The Duke pleads largely for himſelf.

That he was ſent by the Kingdom of *Scotland*, which was a free Kingdom, and independent on *England*; That he having had his Birth, Honour, and Fortune there, was bound to give obedience to their Orders; That for himſelf he had lived much out of buſineſs, and was ſeldom in Publick Truſt in that Kingdom, nor very deſirous of any; but that being commanded to undertake the Charge of General, for ends which he conceived lawful, and no way contrary to the Peace or Intereſt of *England*, he was obliged to follow their Orders; and that by ſome Papers emitted by the Parliament of *England* againſt that Expedition, they declared they looked on it as a National Breach, whereby *Scotland* had violated their Leagues and Treaties with them, ſo that it was no private Act of his; That the entring of the *Scotiſh* Army into *England Anno* 1640 was accounted no Invaſion, nor Treaſon, but on the contrary was acceptable to this Kingdom, which gave a Brotherly Aſſiſtance for it: and that the late unfortunate Army was deſigned fully for as good Ends, and would have been ſo looked on had it proſpered. And for his joyning with Sir *Marmaduke Langdale*, he anſwered it as was before ſet down. Therefore he being taken Priſoner in ſuch a War, he conceived it without a Precedent that he ſhould be Tried for his Life, for ſerving his Native Kingdom in an open War. As for his being an Alien, he referred that to his Counſel, but ſaid it was undeniable he was born in *Scotland*, nor was he proved a *poſt-natus*;

he

he was alſo born before his Father's Naturalization, and ſo not included in it, and his own Naturalization had been in agitation in the beginning of this Parliament: That his ſitting in Parliament did not conclude him an *Engliſh* Earl, for if queſtioned, he might probably have been expelled out of the Houſe of Peers, as his Countryman Mr. *Walter Stuart* was out of the Houſe of Commons: and that his being an Earl did not naturalize him, that being the King's ſingle Act, whereas Naturalization was only by Act of Parliament. As for the Articles, it was clear, that *Lambert* being a General Officer, commiſſionated by Parliament, was impowered to Capitulate both by the Parliament and by *Cromwel*, the L. *Gray* having no Authority from the Parliament, but only from *Cromwel's* Letter: that he became the Lord *Gray's* Priſoner only by *Lambert's* Order, and that he made no Surrender till the Articles were ſigned and delivered: that though the Lord *Gray* had proteſted againſt it, (and yet only an intention to do it was proved) he was not concerned in it, nor bound to take notice of it, *Lambert* being the Parliaments Officer, and ſent againſt him by them. That Articles were to be expounded by their plain meaning, and not by any mental reſerves pretended by the Commiſſioners; That by the firſt Article, he was a Priſoner of War, and that it was ſeldom known that the Life of any ſuch was taken; and that by the ſecond Article, Life and Safety of Perſon were expreſly ſecured without any exception: That if Articles were now violated, it would make the ſequel of the Wars, if any more followed, a down-right Butchery, ſince none would any more truſt to a Capitulation, which Miſchief he prayed God to avert. That his Eſcape out of Priſon was no Breach, he being only bound by the Articles to deliver himſelf Priſoner, which he did, but not to continue ſo: and he concluded, that he was confident, had he no better Plea, his Articles were ſufficient, according to the Laws of all Nations to preſerve his Life. *An.* 1649.

Then the Preſident asked him, if he had any thing to ſay as he was Earl of *Cambridge:* whereupon he and his Counſel moved, that if what he had ſaid and proved was not ſatisfactory for the Averment of his Plea, he might anſwer the Charge exhibited, which he had not yet done. But to this, neither the Court, nor their Counſel would yield, though they gave no reaſon for it, ſave only that it implyed a deſire of Delay: but the reaſon, as was ſaid, was, that they knew had they yielded to that the Charge had been overthrown, ſince the Law of *England* does not admit that to be Treaſon which they charged on him, that he had aſſiſted the King againſt the Kingdom and People by levying War. Then the Court told his Counſel, that *Saturday* was the longeſt time they allowed them for performing their part: but the Counſel anſwered, that it was impoſſible for them to undertake it, and diſcharge their Conſciences to their Client, having ſo ſhort a time allowed them; there being a neceſſity of ſearching divers Records for Precedents, which required a competent time, as had been allowed in former caſes: but the Court refuſed to promiſe it, only they ſaid they would take it into their conſideration. The Counſel inſiſted, and ſaid plainly, they declined the Imployment on thoſe terms, and would be forced to declare it.

Monday the 26th the other two Officers that had ſigned the Capitulation for the Duke and his Troops, who had been ſent for a great way off, were examined, who agreed with the former Witneſſes in matters The ninth Appearance.

of

An. 1649. of Fact, and alſo with *Lilburn*, that by ſigning the Articles, they only meant the Duke ſhould be preſerved from the Violence of the Souldiers, and not from the Juſtice of the Parliament. Then the Counſel began to Plead, and all four ſpoke on the ſeveral Heads of the Plea. Mr. *Heron* ſpoke curſorily and elegantly, but not very materially: Mr. *Parſons*, a young man, ſpoke boldly, and to good purpoſe: Mr. *Chute* the *Civilian* ſpoke learnedly and home: and Mr. *Hales* (ſince the much-renowned Lord Chief Juſtice of the Kings Bench) elaborately and at length. The Heads of their Arguments follow.

The Duke's Counſel at Law plead for him.

The Duke being, as was granted, a born *Scotch-man*, his Tie of obligation and ſubjection to that Kingdom, was indiſpenſable and indiſſoluble, ſo that his late Imployment could not be refuſed when laid on him by the Authority of that Kingdom; no more than a Native of *England*, living in it, can diſobey the Commands of this Parliament; whereas any Subjection the Duke owed the Parliament of *England* was only acquired, and diſpenſable: That ſince no man can be a Subject of two Kingdoms, whatever Tye lay on him to the Kingdom of *England*, it was not to be put in Competition with what he owed *Scotland*, it being a Maxim in Law, that *Major relatio trahit ad ſe minorem*, and that *Jus Originis nemo mutare poteſt*: That there was an Allegeance due to the King and another to the Kingdom, and no Treaſon could be without a Breach of Faith and Allegeance due to them againſt whom it was committed, for theſe Kingdoms were two diſtinct Kingdoms; and though the Allegeance due to the King was the ſame in both Kingdoms, yet that due to the Kingdoms was diſtinct: nor was the Actual adminiſtration of the Kingdoms in the Kings Perſon when the Duke got his Imployment; therefore, as his Allegeance to the Kingdom of *Scotland* was ancienter and ſtronger than any Tie that lay on him in *England*, ſo what he did by their Order might well make him an Enemy to this Kingdom, but could not infer Treaſon. *Yet all this of the Allegeance due to the Kingdom was founded on no Common or Statute Law, as Mr.* Hales *himſelf confeſſed afterwards: but he urged this well againſt thoſe who aſſerted it, it being the univerſally received Maxim at that time.*

That whether he was a *Poſt-natus*, or *Ante-natus* did not appear: but though he were, it did not vary the Caſe, nor his obligation to the place of his Nativity; and ſo though he were *Poſt-natus*, or accounted a Denizen by his Fathers Naturalization, his Offence could not be Treaſon, but Hoſtility at moſt, and by that ſuppoſed Hoſtility, he could only loſe his Priviledge of a Denizen, but could not be made a Traitor, there being no Precedent where ever any man was attainted of Treaſon for a hoſtile Invaſion, and it was queſtionable if this Offence could amount to that: nor could any caſe be alledged, where one born in another Independent Kingdome, acting by a Commiſſion from that Kingdom, and reſiding there when he received his Commiſſion, and raiſing the Body of his Army in that Kingdom, and coming into this, in an Open Hoſtile manner, was ever judged guilty of Treaſon. Naturalization was intended to be a Benefit, and not a Snare, ſo that one might well loſe it, but was not to be puniſhed for it. And ſo when *France* and *England* were under one Soveraign, divers of both Nations were naturalized in the other; yet when Hoſtility broke out betwixt them, many ſo naturalized fought on the ſide of their Native Kingdom, for which none were put to death, though divers were taken

ken Priſoners. And in *Edward* the third's time, though he claimed *An.* 1649.
France as his by Right; yet when the Conſtable of *France* invaded *England*, and was taken Priſoner, he was not tried, nor put to death, but ſent back to *France*, as being a Native of that Kingdom. And when *David Bruce* King of *Scotland* invaded this Kingdom, and was taken Priſoner, great endeavours were uſed to find a Legal ground for his Trial, he being Earl of *Huntington* in *England*; but this Plea was waved, for it was found that it could not be done juſtly, that being but a leſs degree of Honour, though King *Edward* claimed a kind of Homage from the Crown of *Scotland*. That if the Duke were on that account put to death, it might prove of ſad conſequence, in caſe there was War any more betwixt the Kingdoms; ſince moſt of the preſent Generation were *Poſt-nati*, and all would be ſo quickly; and yet if the Lord *Fairfax*, who was both a *Poſt-natus*, and had his Honour in *Scotland*, were commanded to lead an Army thither, and being taken were put to death, it would be thought hard meaſure. For the Duke's Father's Naturalization, it was true, by the Statute of the 25 *Ed.*3. proviſion was made, that Children born without the Kingdom, whoſe Parents were then in the King's Allegeance, ſhould be Denizens: but the Duke was born before his Father's Naturalization, which can never reach him, none but the Iſſue after his Father's Naturalization being included within it; and the word *Hæres* in the Act is only a word of Limitation, and not of Creation: nor did his making uſe of the aſſiſtance of ſome *Engliſh* Forces make him a Traytor. It is true, if an *Engliſhman* conduct a Foreign Army, or if a Foreigner come of his own head, or in a Rebellious way, to aſſiſt an *Engliſh* Rebellion, it will amount to Treaſon: for the Act of ſuch an Alien is denominated from the crime of thoſe he aſſiſts here, where he owed a local Obedience, which was the Caſe of *Shirley* the *Frenchman*, and of *Lopez*: but if an Alien come with a Foreign Force, though he make uſe of *Engliſh* Auxiliaries, that only infers a Hoſtility, but no Treaſon; and was the caſe of the Lord *Harris* a *Scotchman* 15 *Eliz.* and of *Perkin Warbeck*, both having *Engliſh* help: and though *Warbeck* was put to death, it was by no Civil Judicatory, but only by the Will of *Henry* the 7th, who erected a Court-Marſhall for that purpoſe. The preſent caſe was yet clearer, where the Alien had Authority from his Native Kingdom, and was commanded by them to make uſe of *Engliſh* help: ſo that though *Langdale*'s aſſiſting the Duke did make himſelf a Traytor, yet the Duke's accepting of it only infers an Act of Hoſtility. And whereas it was objected, that the Parliament had already by their Act which conſtituted this Court for his Trial, declared him a Traytor; it was not to be diſputed what the Parliament had Power to do, but no Parliament had ever done the like before: and the meaning of the Act muſt be, that he ſhould be tried whether guilty of Treaſon or not, ſince if the Parliament have already declared him a Traytor, further Trial was needleſs. And it was clear, the Parliament by their Act in *July* laſt, which declared all the *Scots* who entred *England*, Enemies, conſidered not the diſtinction of *Poſt-nati*, nor judged that inferred Treaſon, ſince moſt of them all were *Poſt-nati*; That many of the Officers of that Army, who had been taken Priſoners, though clearly *Poſt-nati*, were ranſomed, others baniſhed, others ſtill in Priſon; why then ſhould the imputation of Treaſon be faſtned on the Duke when the reſt were uſed only as Enemies?

An. 1649. And for the Articles they made it appear, they were the Publick Faith of the Kingdom, when given by perſons publickly Authorized, upon the obſerving of which inviolably, depended the whole Intercourſe of all Nations, and their mutual Confidence, which is founded on all States being bound by the Acts of their Publick Miniſters; That this was not a pure Rendition, but a Paction concluded upon Deliberation, wherein the Parliament loſt nothing, but on the contrary were Gainers; That the Parliament had ratified this upon the matter, by Voting a hundred thouſand pound Sterling Fine to be the price of the Dukes Liberty; That the ſecret ſence the Treaters pretended was not to be conſidered; ſince all Compacts are to be underſtood according to the clear meaning of the Words,& the univerſal ſenſe of Mankind, who look on Articles wherein Life is granted as a ſufficient Security,not only from the Souldiers,but from the Civil Powers; and that theſe Treaters, when the Articles were agreed, ſhould have made known their ſecret meaning, otherwiſe it was not to be regarded: and it was a moſt dangerous Precedent to admit of collateral Averments of ſecret meanings againſt expreſs words, much more in a Caſe of Life, and yet much more in Military Agreements, wherein the Concernments of Armies and Nations were included, and which concerned the Honour and Security of all Souldiers; and for this divers Precedents were cited. The Argument ended thus; That as the Court conſiſted of Gentlemen & Lawyers, and of Martial men; ſo the Plea conſiſting of three Branches, was the more proper for their cognizance, a part of it being drawn from the Law of *England*, another part from the Civil Law, and a Third part from the Martial Law: and if the Plea,in any of the three Branches, was made good (and they doubted not but it would be found ſo in them all) the Court would be ſatisfied,there was Reaſon & Juſtice for preſerving the Dukes life.

The Tenth Appearance.

The Court adjourned till *Friday* the ſecond of *March*, and the Duke being again brought to the Bar, the Counſel for the People pleaded, but ſo poorly that all who heard them were aſham'd: But they had one advantage, that neither the Duke nor his Counſel were allowed to ſpeak after them, nor to diſcover their impertinent Allegations, which made the Dukes Counſel obviate all they could imagine they might ſay, though they ſaid a great deal ſo far out of the way of Reaſon, that none could have thought of it; and yet it was ſo weak that it needed neither be obviated, nor replied to.

Yet at the end of every Branch of their Pleading, I ſhall add the Anſwers againſt them, as they are ſet down in ſome Notes taken by the Dukes Counſel.

The Counſel for the People plead againſt the Duke.

They begun with *Alienage*, and ſtudied to make it appear, that though he was a *Scotchman* born, yet he was no Alien, having enjoyed all the Priviledges an *Engliſhman* was capable of, as being a Peer, a Privy-Councellour, poſſeſſing Lands and Inheritances, and Marrying in *England*. *But Naturalization cannot be but by Act of Parliament, and not by the Kings ſingle Deed; much leſs by thoſe Priviledges of which any Stranger might participate.*

Next they urged his Fathers Naturalization, and ſince his Name was not in that Act, as was in other Acts of Naturalization, that proved him to be no Alien, otherwiſe his Name had been put in. *From that it rather appeared he was an Alien, ſince others found it neceſſary to inſert their Childrens Names, which his Father not doing, proves the Son an Alien ſtill.*

They

They alſo urged his being *Poſt-natus*, which muſt be held true, *An.* 1649.
ſince he brought no Evidence to the contrary; and it being ſo, his Tie of ſubjection was as great in *England* as in *Scotland*: That Allegeance was only due to the King, and not to the Kingdom: That there was a King when he entred into *England*, and that though he was ſecluded from the Government, yet all Writs were iſſued in his Name, ſo that this Expedition was a breach of the Allegeance he owed the King. *This was the oddeſt part of all their Plea, ſince his Charge was, that he aſſiſted the King againſt the Kingdom; and now they did plead he owed no Allegeance to the Kingdom, but to the King, whom they had ſo lately murdered, the Dukes coming with his Army being only to relieve him from the Barbarous Uſage he had met with.*

They alſo urged at large, That an *Engliſhman's* Children in what place of the World ſoever they were born, were Denizens of *England*, and cited many Precedents. *But the Miſ-application of them was groſs and palpable, thoſe being of Perſons who were* Engliſhmen *before their Children were born, whereas the Duke's Father was naturalized after he was born: ſo that he could not communicate that Priviledge to him, which he did indeed tranſmit to his Children born after his Naturalization.*

Next, they pleaded, that the Parliament of *Scotland* had no power to commiſſionate him to enter into *England*, and that if ſome of them were there, they ought likewiſe to ſuffer for it, and it was fit he ſuffered for his Maſters, who employed him; That it was pitty the King had not ſuffered ſooner. They alſo produced many Precedents of Strangers being condemned as guilty of Treaſon, for Treaſons committed in *England*, as the Queen of *Scots*, *Lopez*, *Perkin Warbeck*, the Lord *Harris*, *Shirley* the Frenchman, and the Spaniſh Ambaſſadour. *All this was obviated in the former Argument, where diſtinction was made betwixt ſecret Practices, and an open Invaſion with a forreign Force.* They added, That *Scotland* belonged to the Crown of *England*, and ſo was to be look't on as ſome of the Counties of *England*. *But* Scotland *had no ſubjection to the Crown, but only to the King of* England, *whom they had murdered, and ſo they had no Power to judge any* Scotchman.

As for the Articles, they pleaded it was not in the Power of the Army to abſolve any from the Juſtice of the Parliament, which being above them, was not tied to their Articles: and therefore, though they confeſſed the words ought to have been leſs ambiguous, yet they ſaid, the Expoſition of thoſe who Signed them was to be admitted, ſince every man was to be the Expounder of his own words; and pleaded ſome Precedents about the Expoſition of ambiguous words. *But the words here were plain and not ambiguous, only a treacherous Equivocation was invented to break them.*

Cook by a ſtrange ſubtilty ſaid, The Articles only ſecured his Life during Impriſonment, ſo that his breaking of Priſon, and being retaken, put an end to the Obligation of the Articles: *Though he broke not not Priſon, but went out at Door and Gate, which was no Crime.*

Thus did the Counſel of the People plead againſt him, to the conviction of all who looked on, that they thirſted for his Blood, and were only ſeeking colours of Juſtice for it: which yet were ſo ſlight that they could ſerve for no Diſguiſe, but only to abuſe thoſe who were blinded with Prejudice.

An. 1649. The Court adjourned to *Tueſday* being the ſixth of *March*: And then the Duke was brought to the Bar, and the Judges ſate in Scarlet; they rejected the Dukes Plea in all its Branches, and found him guilty of the Charge whereof he was indicted. But before Sentence, *Bradſhaw* the Preſident reſumed all, and ſpoke long for aggravating of every particular, juſtifying every thing their Counſel had pleaded, as if it had been all both good Law and good Reaſon: then he cauſed read the Earl of *Eſſex* his Commiſſion, to ſhew how little Power was given him: (*But ſpoke nothing of* Fairfax *or* Lambert *their Commiſſions, which had been more pertinent, but the reaſon was they were, ampler; and yet the Parliament had never refuſed to ratifie any Articles* Eſſex *gave.*) He confeſſed the Dukes Articles were fuller than any others, therefore he would inſiſt the more to invalidate them. He ſaid, It was true, if there had been a War proclaimed, and proſecuted betwixt a Forreign Nation and Enemy, and *England*, then by the Law of Nations, to which their Law was conſonant, Articles ſigned by the Commiſſioners of both Parties ſhould have been kept inviolable: but the Priſoner was no Enemy, for when the ordinary Courſe of Juſtice was obſtructed by the late Kings prevailing Party, ſo that neither Conſtables nor Sheriffs, nor other Civil Officers, could lay hold on ſuch Delinquents as he was, or bring them to Puniſhment, the Parliament was forced to raiſe an Army, Commiſſionating their Generals to bring ſuch to condign Puniſhment. This being the end and ſubſtance of their Commiſſion, it was not in their Power, who were but the Sword of Juſtice in the Parliaments hand, to give Articles for ſecuring any from the Juſtice of the Parliament, ſince it was never intended their Acts ſhould limit that Power that gave bounds to them. He added alſo, that the Court was fully ſatisfied, that the Duke was naturalized. The Preſident laid out alſo the Caſe of the other Priſoners then at the Bar, and ſpoke many hours; at laſt Sentence was given againſt them all, *That their Heads ſhould be ſevered from their Bodies on* Friday *next being the ninth Inſtant:* yet it was remitted to the Parliaments Conſideration, what Mercy ſhould be ſhewed to any of them, and ſo the Duke was carried back.

The laſt Appearance, in which Sentence was given.

The reſt of that day, and the next day, the Duke was earneſtly ſolicited to preſerve himſelf by making Diſcoveries. And Mr. *Peters* who appeared concerned for him during his Tryal, did now inſinuate himſelf on him to draw ſomewhat from him: but all was in vain, there being no choice to be made betwixt a Glorious Death, and an Infamous Life.

On the Eighth of that Month, it being put to the Vote of the Houſe, whether he ſhould be Reprieved or not, it was carried in the Negative.

The Duke prepares for Death.

That day the Duke ſpent in fitting himſelf for Death by Prayers and Spiritual Conferences, and that he might diſcharge himſelf of all worldly Cares, he wrote the following Letter to his Brother.

Dear

An. 1649.

Dear Brother,

and writes to his Brother,

SInce it hath pleaſed God ſo to diſpoſe of me, that I am to be in this World but a few hours, you cannot expect that I can ſay much to you; nor indeed is it neceſſary, for I know you will do undeſired (as far as is in your Power) what I now briefly mention. Firſt, That you will be a Father to my poor Children, and that they be not forced to marry againſt their Wills. The Debts I owe are great, and ſome Friends are bound for them; but the Eſtate I leave you is ſuch as will ſatisfie what I owe, and free my Cautioners from Ruin. You are Juſt, and I doubt not of your performing this. I cannot forget to recommend my faithful Servants to you, who have never had any thing from me, in particular, Cole, Lewis, *and* James Hamilton. *I have given ſomething to them during their Lives, which I hope you will ſee payed to them. I ſhall ſay no more, but the Lord of his Mercy preſerve you, and give you Grace to apply your ſelf aright to him, in whom there is only fulneſs of Joy. Dote not upon the World; all is but vanity and vexation of ſpirit: grieve not for what is befallen me, for it is by the appointment of him that rules in Earth and Heaven: thither the Lord Jeſus be pleaſed to carry the ſinful Soul of*

March 8th, 1649. Your moſt loving Brother,

HAMILTON.

At night, the Duke, the Earl of *Norwich*, the Lord *Capel*, and Sir *John Owen*, were all brought to one Room, where they lay all night: it was very late before they went to Bed, every one having his Friends to wait on him. The Duke's Servants ask'd leave to ſtay all night in the next Room, and it was granted, the Duke ordered Mr. *Cole* to come to him about three a clock in the morning, which he did; but he with the reſt were all faſt aſleep, and Mr. *Cole* returning after half an hour found him awake. He made him ſit down, and gave him many Directions to be carried to his Brother, with an extraordinary compoſure, as Mr. *Cole* vouched to the Writer. About five a clock all of them were ready, and ſpent the time very devoutly, in ſecret Prayers and pious Conferences, and other holy Exerciſes, all of them expreſſing great Joy in their preſent Condition, and abſolute Submiſſion to the Will of God. The Duke expreſſed his more particularly in the following Letter he wrote to his Daughters.

My moſt dear Children,

and to his Children.

IT hath pleaſed God ſo to diſpoſe of me, as I am immediately to part with this miſerable Life for a better; ſo that I cannot take that care of you which I both ought and would, if it had pleaſed my Gracious Creator to have given me longer days: but his will be done, and I with alacrity ſubmit to it, deſiring you to do ſo, and that above all things you apply your Hearts to ſeek him, to fear, ſerve, and love him, and then doubt not but he will be a loving Father to you while you are on Earth, and thereafter Crown you with eternal

An. 1649. *eternal Happineſs. Time will permit me to ſay no more, ſo the Lord bleſs, guide, and preſerve you, which is the Prayer of*

St. James's 9th March 1649.

Your moſt loving Father,

HAMILTON.

Let this remember me to my dear Siſters, Brothers, and other Friends, for it is all I write.

He did alſo apprehend, that they might either be hindred to ſpeak their Conſciences freely on the Scaffold, or that the noiſe and diſorder there might make him be ill-heard, or perhaps occaſion diſorder from the Souldiers, which might provoke Paſſion or Diſcompoſure; and therefore delivered the following Speech before all in the Room, which his Brother publiſhed from the Original he ſent him.

His Speech before his Death.

"I Know you that are here to be true and faithful to me, I will "therefore in your hearing ſay ſomewhat in order to my ſelf, and "to my preſent Condition, and give you alſo this Copy of it, which "after I am gone may perhaps be thought neceſſary to be publiſhed, as "the laſt Teſtimony of my Loyalty to my King, for whom I now die, "and of my Affection to my Country, for the purſuance of whoſe pi-"ous and loyal Commands I am now to ſuffer.

"That my Religion hath always been and ſtill is Orthodox, I am "confident no man doubts; I ſhall not therefore need to ſay much "to that particular, only that I am of the true Reformed Proteſtant "Religion, as it is profeſſed in the Church of *Scotland*.

"I take God to witneſs, that I have been conſtantly a loyal and "faithful Subject and Servant to his late Majeſty, (in ſpight of all "Malice and Calumny:) I have had the honour, ſince my Child-hood "to attend and be near him, till now of late: and during all that time "I obſerved in him as eminent Virtues, and as little Vice, as in any "man I ever knew; and I dare ſay he never harboured thought of "countenancing Popery in any of his Dominions, otherwiſe than was "allowed by the Laws of *England*, and that among all his Subjects "there could not be found a better Proteſtant than himſelf; and ſure-"ly alſo he was free from having any intent to exerciſe any Tyranny "or Abſolute Power over his Subjects: and that he hath been ſo un-"fortunate, I rather impute the Cauſe of it to the ſins of his People "than to his own.

"For my own part, I do proteſt never to have ſwerved from that "true Allegeance which was due to him, and that hath conſtantly "been payed (to my Comfort I ſpeak it) to his Progenitors by my "Anceſtors, for many Ages, without ſpot or diſhonour, and I hope "ſhall be ſtill by my Succeſſors to his Poſterity.

"I do heartily wiſh well to and pray for his Royal Iſſue, and ſhall "die a true and loyal Subject to his eldeſt Son *Charles* the Second, the "unqueſtionable King by right of all his Father's Kingdoms. I hope "(though I do not live to ſee it) that God's Juſtice and Goodneſs will "in his own time eſtabliſh him on the Throne of his Father, which "I doubt not ſome of you will ſee come to paſs; and I am confident,

till

"till then, and ſo long as men deeply plung'd in Guilt and Self-intereſt *An.* 1649.
"uſurp Power and Government, theſe Kingdoms will fall ſhort either
"of Peace, or any other permanent Happineſs.

"I ſpeak this from my juſt Affection to the Royal Race, and much
"Compaſſion to his Majeſties Subjects; but not from any Malice, An-
"ger, or deſire of Revenge, againſt any, for what I have, or am to ſuffer;
"for I forgive all men.

"It is well known what Calumnies and Aſperſions have been thrown
"upon me, by men of ſeveral Parties and Intereſts, not excepting thoſe
"who would ſeem to carry much Affection to his late Majeſty, as if I
"had expreſſed Diſſervice or Diſloyalty unto him; the which how
"malicious and groundleſs they were, I appeal to God, who with my
"own Conſcience clearly beareth witneſs of my Innocency therein; and
"I ſhall beg Mercy from him, to whom I am now to give an account of
"all my Thoughts and Actions, as I have ſtill had a faithful and loyal
"Heart to my Maſter.

"It hath been a General Complaint, that I perſwaded His Majeſty to
"paſs the Act of continuing this Parliament. I diſpute not, whether
"the doing of it at that time might have been reputed good or bad, but
"ſurely it was not I that did perſwade it.

"Neither did I at all deal with His Majeſty for his Conſent to the
"Bill of Attainder for taking away the Life of the Earl of *Strafford*,
"whoſe great Parts and Affection, 'tis known I highly valued: yet
"ſome have been pleaſed to attribute to me the cauſe of that Conceſſi-
"on; but were His Majeſty now living, I am confident he would pub-
"lickly clear me in both theſe, as He hath been pleaſed many times in
"private formerly to do.

"And truly I am not conſcious to my ſelf (though I have been for
"many years a Privy-Councellour to him) of ever giving him any Ad-
"vice that tended to other ends (as I conceived) than the Good and
"Peace of His Majeſty and His Dominions.

"It hath been rumoured ſince my laſt Impriſonment, that I ſhould
"confeſs my ſelf to be the greateſt Inſtrument under His Majeſty (by
"making uſe of his *Scotiſh* Great Seal) for authorizing the War in
"*Ireland*: a Report ſo falſe and ſimple, as in my opinion judicious and
"honeſt men will not believe it. And truly as I am free from having
"hand therein in any manner of way, ſo I am of nothing more confi-
"dent, than that His Majeſty was alſo abſolutely free thereof, and that
"he was not in any caſe a Cauſer or Countenancer of thoſe *Iriſh*
"Troubles.

"I have been often examined touching Perſons of ſeveral qualities
"within this Kingdom, that (as is ſuppoſed) did invite into *England*
"the late Army from *Scotland*, or promiſed Aſſiſtance after their com-
"ing; and of late much Perſwaſion hath been uſed with me to that
"purpoſe, as that upon my Diſcovery thereof depended the only means
"of my Preſervation. I will not ſay that I had any thing to reveal
"which would have been ſatisfactory, but this I deſire you to atteſt to
"the World, that I have not accuſed or ſaid any thing that may reflect
"on any man, of what degree ſoever, within the Kings Dominions:
"and indeed it was ſo contrary to my Conſcience, and ſo deroga-
"tory to my Honour, that if I had been able, yet ſhould I never
"have prejudiced any in that nature, though it had been to ſave me a
"hundred Lives.

"Touch-

An. 1649. "Touching that foul and ſenſeleſs Slander, that I betray'd the Army under my Conduct, the care and pains I then took to prevent "the loſs of it, and the near approach of my ſuffering for it, will, "I ſuppoſe, abundantly contradict this Aſperſion. I was ſatisfied with "the Juſtneſs and Neceſſity of that Engagement, upon the grounds of "the Declaration of the Parliament of *Scotland*, fearing then the ſad "Confuſions which have ſince followed here, both in Church and "State; and particularly the fatal Fall of my Maſter, to the Preſerva-"tion of whoſe Perſon I was by Obligation, and Natural Affections "as paſſionately tied, as I could be by Duty and Allegeance.

"And now I confeſs, I am void of all rancour or diſpleaſure againſt "any, though I am within few hours to die, adjudged by a lawleſs "and arbitrary Court, of purpoſe erected (as is ſaid) to deſtroy my "Maſter and ſome of his Servants, and for a great part compoſed "of men Mechanick, and unfit to be Judges, my Death being decree'd "(right or wrong) as is reported, before ever the Trial begun. "And though my Death is no leſs than Murder, yet I forgive all, and "pray to God to do it, and that my Blood be not laid to their *Argyle* "Charge, or to ſome powerful and eminent mens, who, as is thought, "upon ſome ſiniſtrous Ends have many Months ſince contrived my "Deſtruction, which now is ready to take effect.

"And though I have anſwered to that Court, in regard of the Juſt-"neſs of my Defence, which I thought would have weighed with "them: yet I never thought, nor do I acknowledge any Juriſdiction "or lawful Authority in the ſame, notwithſtanding I do with all Chri-"ſtian Humility ſubmit to the Puniſhment, which for my other Perſo-"nal Sins the Lord hath juſtly brought upon me.

"I ſhould have ſpoken more, yet would not have ſaid ſo much, but "for fear leſt either my Memory might ſlip it on the Scaffold, or that "the rudeneſs of ſome People, by noiſe or otherwiſe, might have in-"terrupted me ſpeaking on this Subject. So I thank God I am well "prepared. God bleſs you, remember me to all my Faiends.

"I know I have been a great Sinner, yet through Faith I have an "aſſurance, that God will forgive me, and have Mercy upon me, "through the alone Suffering and Interceſſion of Jeſus Chriſt my Sa-"viour. *Amen.*

The Duke is led out to the Execution.

About nine a clock the Officers called to them to prepare themſelves to go: they were to be carried in Sedans, and great Guards of Horſe and Foot to attend them to Sir *Robert Cotton's* Houſe. But after the Duke had gone through two Rooms, he reflecting on the faithful Services of Mr. *Cole*, and judging they deſerved a more particular Reſentment than was in the Letter he had written to his Brother the day before, called for Pen, Ink, and Paper, and wrote the following Note to his Brother.

Brother,

THere is nothing more certain than that a faithful Servant is an humble Friend: this Bearer I have found ſuch, and therefore recommend him to you in that quality. I need ſay no more for him, nor can I of worldly buſineſs, being ſo near parting out of it; but as I have loved you all my life, ſo I do now at the end of it. The Lord of his mercy preſerve you from dangers of Soul and Body. Yours,

H. This

This will more clearly diſcover the ſerene and compoſed Temper he was then in, than can be done by any Teſtimony of Spectators, who could only ſee the out-ſide, which, as many of them have witneſſed to the Writer, was very calm and reſolute. When he came to Sir *Robert Cotton*'s, three or four Officers were ſent from *Cromwel* to him, deſiring that he would diſcover what had been oft askt of him, and he ſhould not only be preſerved, but be made a Great man: but he rejected their Offers, with the ſame language he had formerly uſed on the like occaſions; and ſaid, if he had as many Lives as hairs in his Head, he would lay them all down rather than redeem them by ſo baſe means; which an Ear-witneſs vouched to the Writer. Then all went to Prayers, and they had ſome excellent good Preachers waiting on them, and praying with them. Some Wine was brought, and they all drunk one to another, and did embrace and kiſs each other with much tenderneſs. *An.* 1649.

Continued offers of Life if he would make Diſcoveries, but they are rejected.

The Duke was firſt led away to the Scaffold: on the way other Officers came from *Cromwel*, renewing the former Offers if he would make Diſcoveries; but all to no purpoſe, he rejecting them with ſcorn. Thoſe many Offers as they were great temptations, which would have ſhaken any man whoſe Soul was not fully at Peace with God, and well-prepared for Death; ſo they diſcovered the baſeneſs of thoſe mens Deſigns. But as malice did ever purſue the Duke with the unjuſteſt Slanders, ſo his Enemies, hearing that Meſſengers came often to him, did ſtrangely miſrepreſent it, as if he had been even then in ſome Treaty for his Life. Being come to the Scaffold, the Earl of *Denbigh* deſired to ſpeak with one of his Servants, and Mr. *Lewis* was ſent to him: the Duke asked Mr. *Cole* what might the matter be, who anſwered, he judged it was to know what Order he had given about his Children; the Duke anſwered, he might ſatisfie him if that were the matter.

Doctor *Sibbald* encourages the Duke on the Scaffold.

The Duke was during his ſtay at St. *James*'s viſited ſometimes by Doctor *Sibbald*. Him he choſe now to accompany him in his laſt minutes, who encouraged him, *to look to that fountain of the Blood of Chriſt in which he muſt be purged from all his Iniquities; the effuſion whereof was for the Salvation of all, who by a true and lively Faith reſted on him: he was the only Rock on which he was to build his Hopes, and though the waters of* Jordan *did run an impetuous Current, he was the Ark of the Covenant, that was to lead him through them to that ſure Refuge, againſt which neither the Powers on Earth, nor the Gates of Hell could prevail.* He deſired him, *to lift up the eyes of firm Confidence to the Crucified Chriſt, and with St.* Stephen *to behold him ſitting at his Father's right hand, ready to receive his Soul:* adding, *who would be in love with Life, if they could but before-hand conſider what it would prove? all being a heap of Cares, Anxieties, and Miſeries, with which every rank of Men, and ſtate of Life was beſet: it was therefore a Happineſs to be with much Joy welcomed, when we found a quick and eaſie Paſſage for eſcaping theſe ſwelling Billows, and getting into that bleſſed harbour of eternal Happineſs. We muſt paſs through a Sea, but a Sea of our Saviour's Blood, in which never any Shipwrackt; and through which we are carried by the ſoft winds of the Divine Spirit, which can ſcatter all contrary blaſts.*

An. 1649. When the Doctor had thus ended his Diſcourſe, the Duke perceiving a greater ſilence than he expected, though he had reſolved to make no Publick Speech, and therefore had, as was already told, expreſſed himſelf in private; yet being invited by the Attention he obſerved, he ſpoke to the People: but as he had not premeditated it, ſo no Copy of it remains, except what was printed from the Notes of the Hearers, and therefore I ſhall only ſet down the Heads of it.

The Duke's laſt Speech. He addreſſed himſelf to the Sheriff, and told him, "he judged it not "very neceſſary for him to ſpeak much, his Voice was ſo weak and "low, that few of the crowd that looked on could hear him; nor was "he ever ſo much in love with ſpeaking, or with any thing he had "to ſay, that he took much delight in it: yet ſince this was his "Laſt, he being by the Divine Providence of Almighty God brought "juſtly to that End for his Sins, he would ſpeak a little to the Sheriff, "for his Voice could not reach others. He was now to ſuffer as a "Traytor to the Kingdom of *England*, a Country which he had ever "loved equally with his own, not having intended either any gene-"ral Prejudice to it, or to any particular Perſon in it: his late Act-"ings were the Commands of his own Country, which he could not "diſobey. It is true, it had pleaſed God ſo to diſpoſe of the Army un-"der his Command that it was ruined, and he for being cloathed with "a Commiſſion to be General ſtood now ready to dye. He would not "repeat what he had pleaded for his own Defence, God was juſt; "nor would he ſay any thing of his Sentence, but that he did willingly "ſubmit to Gods Providence, acknowledging that on many accounts "he deſerved Puniſhment in this Life as well as in the next, for he con-"feſſed himſelf a great Sinner: yet for his Comfort he knew there was "a God in Heaven who was very merciful, and that his Redeemer did "ſit at his right Hand; and he was confident that he was media-"ting for him at that very inſtant, being hopeful through his All-ſuffi-"cient Merits to be pardoned all his Sins, and to be received into his "Mercy, truſting only to the Free Grace of God through Jeſus Chriſt. "He declared he had never been tainted in the Religion profeſſed and "eſtabliſhed in the Land, in which he had been bred from his Infancy: "it was not this nor that mode or fancy of Religion that was to be "built on, but one that was right, and ſure, and came from God. *Here he obſerved ſome taking Notes, and upon that ſaid, he had not expected that, elſe he had digeſted what he had ſaid into a better Method: but deſired that what he had ſaid might not be publiſhed to his diſadvantage, ſince he had not intended to ſpeak any thing when he came to that place. Then he went on, and ſaid,* "Many dreadful Aſperſions had been caſt on him, "as if his Intentions had not been ſuch as he pretended; but he "thanked God, he was unjuſtly blamed: That for the King, he had "ever loved him, both as he was his King, and his Maſter, with whom "he had been bred many years, and had been his domeſtick Servant; "and that there was nothing the Parliament of *Scotland* declared for "the King, that was not really intended by himſelf: and as he ha-"zarded his Life for him one way, ſo he now was to loſe it ano-"ther; and that his Deſign of leading in the Army to *England* was "really that which was publiſhed in the Declaration, in ſo far "as concerned the King: he was not then to ſpeak of the reſt of "the Declaration, which had many other particulars in it. And for what

"what he ſaid of his Duty to the King there was no reaſon to ſuſpect *An.* 1649.
"him of Flattery, or any other end in ſaying it, (God having now ſo
"diſpoſed of His Majeſty) but though he could gain nothing by it,
"yet he owed the freeing himſelf of that Calumny to Truth, by
"which all men ſhall gain for ever. There had been many Diſcourſes
"founded on a part of the *Scotiſh* Declaration, which mentioned an
"Invitation to come to *England*, upon which he had been much la-
"boured for diſcovering the Inviters; but he had, and did ſtill re-
"mit himſelf to the Declaration, without any other Anſwer. He was
"ever willing to ſerve this Nation in any thing was in his Power,
"which was known to many worthy Perſons in it; and he would ſtill
"have continued in thoſe Reſolutions, had thoſe in whoſe hands
"the Power was then, thought fit to have preſerved his Life. But
"ſince he was to be thence-forth of no more uſe, all he could do was,
"to wiſh the Kingdom Happineſs and Peace, and to pray that his
"Blood might be the laſt ſhould be ſhed: and though perhaps he had
"ſome reluctancy within himſelf at his Suffering for this Fact, yet
"he freely forgave all men, and carried no rancour with him to the
"Grave; but did ſubmit to the Will of him who created Heaven and
"Earth, and himſelf a poor ſinful Creature then ſpeaking before him.
"He conceived it could contribute to no end for him to ſpeak of
"State-buſineſs, of the Government of the Kingdom, or things of that
"nature; his own Inclinations had been ſtill for Peace, he was ne-
"ver an ill Inſtrument betwixt the King and his People, nor had he
"acted to the prejudice of the Parliament. And as he had not med-
"dled much in thoſe Wars, ſo he was never wanting in his Pray-
"ers to Almighty God for his King's Happineſs: and he earneſtly
"prayed God, to direct his Majeſty (that now Reigns) that he might
"do what ſhould tend to his Glory, and the Peace and Happineſs
"of the Kingdoms. He ſaid he was of the Eſtabliſhed Religion, which
"he had profeſſed in his own Country where he was born and
"bred: but for particular opinions he was not rigid, he knew many
"godly men had ſcruples about divers things, wherein he had never
"concerned himſelf; nor did Difference of opinion (which was ne-
"ver more than at that time) move him, his own was clear. He pray-
"ed the Lord to forgive him his Sins, as he freely forgave even
"thoſe againſt whom he had the greateſt grounds of Animo-
"ſity, remembring that Prayer, *Forgive us our Treſpaſſes, as we for-*
"*give them that treſpaſs againſt us.* And to this purpoſe he ſpoke,
if the Writers did him right in what was publiſhed in his Name: but
how true the printed Papers were, the Writer is not able to judge,
for he has three printed Relations of it before him, all varying ſome-
what one from another. As he expreſſed himſelf thus, he diſcovered
a great compoſure by his Looks and manner of Expreſſion; and when
he was deſired to change the Poſture he ſtood in, ſince the Sun ſhined
full in his Face, he anſwered pleaſantly, "No, it would not burn it, and
"he hoped to ſee a brighter Sun than that very ſpeedily.

After the Duke had done ſpeaking, he called for the Executioner,
and deſired to know how he ſhould fit his Body for the Blow,
and told him his Servants would give him ſatisfaction. Then he cal-
led to his Servants, and commanded them to remember him kindly to
divers of his Friends in *England*, particularly to his Mother-in-law

An. 1649. the Counteſs of *Denbigh*, to whom he had ever payed a Filial reſpect, and to the old Counteſs of *Devonſhire*, who as ſhe lived to a great Age, and to the Honour of her Nation, ſo was on all occaſions a conſtant and true Friend to him. He bade tell her, ſhe would no more queſtion his Loyalty, (which ſhe had done ſometimes in raillery) ſince he was now to ſeal it with his Blood; then he kneeled down, and prayed in theſe words.

His Prayer.

Moſt bleſſed Lord, I thy poor, and moſt unworthy Servant come unto thee, preſuming in thy infinite Mercy, and the Merits of Jeſus Chriſt who ſits upon thy Throne; I come flying from that of Juſtice to that of Mercy and Tenderneſs, for his ſake who ſhed his Blood for Sinners, that he would take Compaſſion upon me, that he would look upon me as one that graciouſly hears me, that he would look upon me as one that hath Redeemed me, that he would look upon me as one that hath ſhed his Blood for me, that he would look upon me as one who now calls and hopes to be ſaved by his all-ſufficient Merits: for his ſake, Glorious God, have Compaſſion upon me in the freeneſs of thy infinite Mercy, that when this ſinful Soul of mine ſhall depart out of this frail Carcaſe of Clay, I may be carried unto thy everlaſting Glory. O Lord, by thy free Grace, and out of thy infinite Mercy, hear me, and look down, and have Compaſſion upon me; and thou Lord Jeſus, thou my Lord, thou my God, and thou my Redeemer, hear me; take pity upon me, O Glorious God, and ſo deal with my Soul, that by thy precious Merits I may attain to thy Joy and bliſs: O Lord, remember me ſo miſerable and ſinful a Creature. Now, thou O Lord, thou O Lord who died for me, receive me, receive me into thy own bound of Mercy. O Lord, I truſt in thee, ſuffer me not now to be confounded. Satan hath too long had poſſeſſion of this Soul, O let him not now prevail againſt it; but let me, O Lord, from hence-forth dwell with thee for evermore. Now, O Lord, it is thy time to hear me, hear me, Gracious Jeſus, even for thine own Goodneſs, Mercy, and Truth. O Glorious God, O bleſſed Father, O holy Redeemer, O Gracious Comforter, O holy and bleſſed Trinity, I do render up my Soul into thy hands, and commit it to the Mediation of my Redeemer, praiſing thee for all thy Diſpenſations, that it hath pleaſed thee to confer upon me; and even for this, Praiſe and Honour, and Thanks, be to thee from this time forth and for evermore.

His Death and Burial.

After this, Doctor *Sibbald* entertained him with ſome pious Diſcourſes, and then the Duke prayed a ſhort Prayer by himſelf. After which, he with a cheerful and ſmiling Countenance imbraced the Doctor, and ſaid, *Truly, I bleſs God I do not fear, I have an aſſurance that is grounded here* (laying his hand on his Heart) *that gives me more true Joy than ever I had: I paſs out of a miſerable World to go to an eternal and glorious Kingdom, and though I have been a moſt ſinful Creature, yet I know Gods Mercy is infinite; and I bleſs my God I go with ſo clear a Conſcience, that I know not the man I have perſonally injured.* Then embracing his Servants that were there preſent, he ſaid to every one of them, *you have been very faithful to me, the Lord bleſs you.* He turned next to the Executioner, and after he had obſerved how he ſhould lay his Body, he told him he was to ſay a ſhort Prayer to his God, while he lay all along, and ſhould give a Sign by ſtretching out his right Hand, and then he was to do his Duty, *whom he freely forgave, as he did all the World.* And then he ſtretched himſelf out on the Ground, and

and having placed his Head aright, he lay a little while praying with great appearance of Devotion within himſelf, and then gave the Sign; upon which the Executioner at one blow ſevered his Head from his Body, which was received in a Crimſon-taffety skarf, by two of his Servants kneeling by him, and was together with his Body immediately put in a Coffin, which was ready on the Scaffold, and from thence conveyed to a Houſe in the *Mews*; from whence it was, according to the Orders he had given, ſent down by Sea to *Scotland*, and interred in the Burial-place of his Family, where it lies in the hopes of a Bleſſed Reſurrection to eternal Life. *An.* 1649.

THE

THE CHARACTER OF James Duke of Hamilton, &c.

His Birth and Parents.

THus lived and died *JAMES* Duke of *Hamilton*, who was born at *Hamilton* the 19th of *June*, 1606. His Parents were *James* Marquis of *Hamilton*, and Lady *Anne Cunningham* Daughter to the Earl of *Glencairn*.

His Perſon and Conſtitution of Health.

He was of a middle Stature, his Body well-ſhaped, and his Limbs proportioned, and ſtraight; in his laſt years he enclined to fatneſs; his Complection and hair were black, but his Countenance was pleaſant, and full of Life, and ſhewed a great Sweetneſs of Diſpoſition; his Health was regular, ſuitable to his Diet, and free of ſickneſs or pain, only in his laſt years he was a little ſubject to the *Stone*. But when his Body was opened, all his Inwards were found ſound and entire, ſo that had not that fatal ſtroak brought his days to a too early Period, he might probably have been very long lived.

His Education.

At the time of his Fathers coming to Court, the Duke of *Buckingham* (being then in great favour with King *James*, and deſiring to ſtrengthen his Family with Noble Alliances) agreed a Marriage betwixt him & the Lady *Mary Feilding*, Daughter to *William* Earl of *Denbigh*, and the Lady *Suſanna Villiers* Siſter to the Duke of *Buckingham*, upon which his Father ſent for him to Court, to be married when he himſelf was fourteen years of age; and the Lady deſigned for him but ſeven. This broke off the Courſe of Studies in which he had been educated till then in *Scotland*: and though he was ſent afterwards to the Univerſity of *Oxford*, yet the interruption, that his ſtay at Court put to his Education in Letters, was ſuch that he never recovered it. After the years of Conſummating the intended Marriage were come, he was forced to it, not without great Averſion, occaſioned partly by the diſproportion of their ages, and partly by ſome other ſecret Conſiderations.

His Marriage.

He lived with his Lady for ſome years in no good terms, and that concurring with other Motives, made him leave the Court upon his Fathers death: but her excellent qualities did afterwards overcome that Averſion into as much Affection as he was capable of; and it was no wonder, for ſhe was a Lady of great and ſingular worth, and her Perſon was noble and graceful like the handſome Race of the *Villiers*'s. But to ſuch as knew her well, the vertues of her mind were far more ſhining. She was educated from a Child in the Court, and eſteemed and honoured by all in it, and by none

none more than the late King, who as he was one of the Chaſteſt men (not to ſay Princes) ſo he was a perfect honourer of all vertuous Ladies. She was Lady of the Queens Bedchamber, and admitted by her Majeſty into an entire Confidence and Friendſhip; and not only was her Honour unſtained, but even her Fame continued untouched with Calumny, ſhe being ſo ſtrict to the ſevereſt Rules, as never to admit of thoſe Follies which paſs in that ſtyle for Gallantry. She was a moſt affectionate and dutiful Wife, and uſed to ſay, *ſhe had the greateſt reaſon to bleſs God, for having given her ſuch a Husband, whom as ſhe loved perfectly, ſo ſhe was not aſhamed to obey.* But that which crowned all her other Perfections was the deep ſenſe ſhe had of Religion: ſhe lived and died in the Communion of the Church of *England*, and was a very devout perſon. Many years before her death, ſhe was ſo exact in obſerving her Retirements to her Cloſet, that notwithſtanding all her Avocations, and the Divertiſements of the Court, (as the Writer was informed by one that lived with her) no day paſſed over her without beſtowing large portions of her time on them, beſide her conſtant attendance on the Chappel. She bore firſt three Daughters, and then three Sons; her Daughters were Lady *Mary*, Lady *Anne*, and Lady *Suſanna*; her Sons were *Charles*, *James*, and *William:* but all her Sons and her eldeſt Daughter died young.

A year before ſhe died ſhe languiſhed, which ended in a Conſumption, of which after a few Moneths ſickneſs ſhe died: ſo that ſhe prepared for Death timeouſly.

About a Moneth before her death ſhe called for her Children, and gave them her laſt Bleſſings and Embraces, ordering them to be brought no more near her, leſt the ſight of them might have kindled too much tenderneſs in her, which ſhe was then ſtudying to raiſe above all created objects, and fix where ſhe was ſhortly to be admitted.

She died the tenth of *May* in the year 1638, and left her Lord a moſt ſad and afflicted perſon: and though his Spirit was too great to ſink under any burden, yet all his Life after he remembred her with much tender Affection. She died indeed in a good time for her own Repoſe, when her Lord was beginning to engage in the Affairs of *Scotland*, which proved ſo fatal both to his Quiet and Life.

But the Diſtractions of the following years concurring with the affectionate Remembrance of his Lady, which rather increaſed than abated with time, kept him from the thoughts of re-engaging in a married life. Neither did the death of his Sons ſhake him from that purpoſe, ſince he had ſo noble a Succeſſor ſecured for his Family in the perſon of his Brother; and next to him he had two Daughters who were dear to him, far beyond the ordinary rate of Children, on whom he got his Dignity and Fortune entailed, in caſe his Brother died without Sons.

His Religion was Proteſtant and Reformed; and as he was a Zealous Enemy to Popery, ſo he was no leſs earneſt for a good Correſpondence among all the Reformed Churches, in particular betwixt the *Lutherans* and *Calviniſts*, and therefore was a Great Patron and Promoter of the deſigns of Mr. *Dury*, who beſtowed ſo much of his travel, and ſo many of his years in driving on that deſired Union: for I find by many of *Dury*'s Letters to him, that as he owed a great part of his Subſiſtence to the Money and Places were procured for him by the Duke, both from the

His Religion.

the King and my Lord of *Canterbury*, ſo his beſt Addreſſes to the *Swediſh* Court and the Princes of *Germany*, were thoſe he had from him; and therefore he continued giving him an account of his ſucceſs, as to his Patron and Benefactor.

As for our unhappy Differences which have divided this Iſland, he judged neither the one nor the other worth the Blood was ſhed in the Quarrel; and the exceſs he had ſeen on both hands cured him from being a Zealot for either. He was diſſatisfied with the Courſes ſome of the Biſhops had followed before the Troubles began, and could not but impute their firſt Riſe to the Provocations had been given by them: but he was no leſs offended with the violent ſpirits of moſt of the Covenanters & particularly with their oppoſition to the Royal Authority. As long as the King employed him for the preſervation of Epiſcopacy, he ſerved him faithfully; and though afterwards he preſſed him much for his conſent to the Abolition of that Government in *Scotland*, it was not from any Prejudice himſelf had at it, but flowed only from the Affection he had to His Majeſty, ſince he ſaw it could not have been preſerved at that time without very viſible hazard both to King and Countrey: and ſo he took the National Covenant at the Kings Command, *Anno* 1641, in the Parliament of *Scotland*.

He was all his life a great honourer of true Piety where-ever he ſaw it, notwithſtanding any miſtakes that might have been mingled with it; ſo that whatſoever particular ground of Resentments he had at any who (he judged) feared God, the conſideration of that did overcome and ſtifle it: but his firſt Impriſonment in the year 1643 was the happieſt time of his Life to him, for there he had a truer proſpect of all things ſet before him, which wrought a Change on him diſcernible by thoſe who knew him beſt. This made him frequently acknowledge Gods great Goodneſs to him in that Reſtraint: for then he learned to deſpiſe at the fooliſh pleaſures of Sin, and the debaſing vanities of a falſe World, which had formerly poſſeſſed too great a Room in his thoughts. It is true he choſe to be Religious in ſecret, and therefore gave no other vent to it in his Diſcourſe than what he judged himſelf obliged to, which was chiefly to his Children, to whom he always recommended the Fear and Love of God, as that wherein himſelf had found his only Joy and Repoſe. The following words are a part of one of his Letters to them, which he wrote a little before his laſt going to *England*.

IN all croſſes, even of the higheſt nature, there is no other remedy but Patience, and with alacrity to ſubmit to the good-will and pleaſure of our Glorious Creator, and be contented therewith; which I adviſe you to learn in your tender Age, having injoyed that Bleſſing my ſelf, and found great Comfort in it while involved in the middle of infinite Dangers.

He was a conſtant Reader of the Scriptures, and during his Impriſonment they were his only Companions, other books being for a great while denied him; and he making a vertue of that neceſſity became a diligent and ſerious Reader of thoſe holy Oracles, and ſtudied to take the meaſures of his Actions from them, and not from the fooliſh Dreams, and Conjectures of *Aſtrology*, though the enquiring after, and taking notice of theſe, be among the injurious Imputations Obloquy faſtened upon

upon him. But ſo far was he from any regard to them, that an *Aſtrologer* coming to him in *Germany* with a Paper, wherein he ſaid he ſhould read a noble Fortune, he, after he had ſent him away, threw it into the fire, without once opening it: and indeed he was ſo far from flattering himſelf with the hopes of great ſucceſs in any of his Undertakings, that he rather apprehended himſelf under ſome inauſpicious Star, that croſſed all his Attempts, which made him in his latter years long for ſome ſecret Retirement out of the noiſe of buſineſs. And in his laſt Expedition into *England*, he was ſo far from promiſing himſelf great matters, that the night before he marched, when he was taking leave of one of his Friends, he ſaid, he not only knew that ſuch Attempts were doubtful, but apprehended that what he was then engaging in, might prove not only dangerous, but deſtructive to himſelf; nevertheleſs he was reſolved either to go through with it ſucceſsfully, or to periſh in the Attempt, and never ſurvive it; adding, that the laſt was what he looked for, and therefore he took his leave as never to meet again.

But notwithſtanding all the Misfortunes that either lay upon him, or did hang over him, he preſerved the greateſt calmneſs in his mind that could be imagined: which appeared in an unclouded ſerenity that dwelt always on his looks, and diſcovered him ever well pleaſed. And though the greatneſs of his mind, and the ſweetneſs of his Natural Temper might have contributed much to that Tranquillity; yet certainly it took its riſe from another Source, and flowed chiefly from his Confidence in God, and the Security he had in the innocency of his own Heart.

His Accompliſhments were great, though cultivated only by his own thoughts, and improved by Experience; for he was no great Scholar, neither was he bred abroad: his Judgment was profound, his Foreſight great, his Style was ſmooth and without affectation, for he ſpoke with a native Eloquence. One advantage he had beyond all he engaged with in debating, that he was never fretted nor exaſperated, and ſpake at the ſame rate without clamouring or eagerneſs. He had ſeen ſo much of the baſeneſs of many men, that it inclined him in the end to Jealouſie: which made him reſerved with moſt people: and of this I find divers complaining in their Letters. His Accompliſhments.

For his Affection and Duty to his Prince it hath appeared ſo much in his Hiſtory, that little remains to be ſaid in his Character. It is true ſome were pleaſed to ſay that he treated with forreign Princes, for ſeconding him in his own pretenſions to the Crown of *Scotland*: but this Forgery was ſo ill-grounded, that he had ſignal proofs to the contrary. When he firſt engaged in the *German* Deſign one wrote to him from the *Spaniſh* Court in the name of the Miniſters of that Monarch, making him great promiſes if he would deſiſt from it: but his Anſwer was, that Duty, Gratitude, and Inclination concurred to tie him inſeparably to his Maſters Intereſts, and that no conſideration either of Hope or Fear was able to ſhake him from his fidelity to them. Neither did any thing obſtruct his being more imployed and truſted in *Germany*, than his conſtant adhering to the Kings Pleaſure and Intereſt; for had he given himſelf up to the will of the *Swediſh* King, he would have been quickly put in another capacity, and might have had about him one of the beſt Armies in *Germany*; ſince all the *Scotiſh* Officers, who at that His Loyalty.

time were many and conſiderable, inclined to have formed an Army apart, and ſerved under him, had the King of *Sweden* given way to it.

When he was claiming his Eſtate and Rights of *Chaſtleherault* in *France*, Cardinal *Richelieu* appointed Sir *James Hamilton*, whom he had ſent over to negotiate that Affair, to tell him that he ſhould be not only ſettled in that, but have more likewiſe, if he would enter into a cloſe Correſpondence with him, and be a faithful Servant to the *French* Crown. His anſwer was, that he owed indeed the greateſt Duty and Dependence to the King of *France*, of any Prince next his own King; and therefore would faithfully ſerve all his Intereſts after the Kings. But nothing was to be expected from him that might upon any conſideration prejudice his Maſters Service, neither would he engage in any Correſpondence without his knowledg and allowance: adding, that he was confident his Eminence was too faithful a Miniſter to that Monarch whom he ſerved, to like him the worſe for his Honeſty to his own Maſter. Theſe Inſtances will evince how far he was from pretending to any Intereſts in his Correſpondence with forreign Princes different from the Kings, whom he ſerved with as much Affection as Duty. And indeed the Love he bore his Perſon was no leſs than the Duty he payed to his Authority, for he did not deny but the former made him digeſt ſome things, which perhaps otherwiſe he had not born ſo well. This kept him far from vilifying His Majeſties Perſon, or ſpeaking unhandſomly of him, as ſome accuſed him. It may be ſuppoſed that had he been guilty of that, it would have appeared more to his Friends than Strangers, ſince Prudence would have taught a reſerve to them, though Duty had not enjoyned it: but thoſe who converſed moſt with him, ſaw ſo much of his Affection and Eſteem for that Prince, that many of them have told the Writer he was the fartheſt from it that could be, ſince he ſtudied by all means to infuſe that value in others for him, which poſſeſſed his own mind. It is true his Calmneſs made many, who knew not how natural that Temper was to him, ſuſpect he was not in earneſt, becauſe he did not bluſter out in heats of Paſſion upon every occaſion; for as he was not eaſily inflamed, ſo he could not well perſonate a Paſſion when he was free of it. All his Advices to the King were for ſettling matters without hazarding on a bloody Deciſion, knowing well, that no Quarrels are ſo mortal, as thoſe that follow upon the cloſeſt Ties; therefore he was far from acting that infamous Office of Incendiary, which ſome faſtned on him. And it was his ſuggeſting and preſſing gentler Methods, which engaged ſome fiery Spirits into ſuch oppoſition to him: and from hence it was, that when he was put to a Review of thoſe Advices he offered to his Majeſty, he ſaid, *He would not ſtudy to juſtifie them all, ſince he was far from the vanity of magnifying his own Counſels; but all he could anſwer for, was his good Intention, which was not to be meaſured by Succeſs.*

As for his diſcloſing the Kings Deſigns to his Enemies, Hell could have deviſed nothing further from Truth: for not only does the ſilence of all his Letters that are in my hands refute that, but when afterwards ſome who had been Leading men in the Covenant broke with him, with ſuch Animoſity, and when by ſome of thoſe much pains was taken, to poſſeſs the King with Jealouſies of him, it is not to be doubted but if there had been a ſhadow of truth for thoſe Imputations, ſome Particular

cular would have appeared, or ſome Letters had been preſerved to have juſtified theſe Inſinuations. But nothing was ſo much as ever pretended for this, beyond Whiſpers and general Stories.

If all his Friends were not at all times ſo fixed to their Duty as they ought to have been, that left no Blame upon him; for no man can be lyable for his Friends, nor charged with the faults of other men: but when any of them ſtrayed from their Duty, his Friendſhip made him not the leſs but the more ſevere to them; and many of them being yet alive, have witneſſed with what honeſt zeal he always ſtudied to engage them to a Cordial adherence to the Kings Service. But to ſum up all, thoſe who after they ſee how in his laſt Speech delivered at his Death, he begs *Pardon and Mercy from God, as he hath been a faithful Servant to his Maſter*, and do ſtill retain their Jealouſies, are beyond the cure of any Perſwaſion; for none but a deſperate Atheiſt could have adventured ſo far with a defiled Conſcience. Neither can it be alledged here, that all in thoſe times pretended to be for the King: for perhaps many thought the methods they took were the beſt, for ſecuring and ſettling his Throne. But had the Duke been faulty as the World accuſed him, it muſt not have been a Miſtake in his thoughts, but a Crookedneſs of his Heart, a betraying of his Truſt, and a falſifying of his Engagements: and who can ſuppoſe, that the Parties who were prevalent both in *England* and *Scotland* at the time of his Death, and purſued him and his Memory with all the exceſſes of Malice, would not have diſcovered ſuch Treachery to load him with the greater Infamy, if there had been any grounds for it, ſince they were the perſons who muſt have known it beſt?

As for that ridiculous and Deviliſh Forgery of his pretending to the Crown of *Scotland*, never any were alledged to have heard a hint of it from himſelf, no not in raillery; and certainly if ſo great a Deſign had ever been diſcovered to any perſon, it muſt have been to his Friends, and he muſt have taken pains to have made ſome Party ſure for it: but for this nothing was ever whiſpered but Surmiſes, and thoſe hanging ſo ill together, that they retained not ſo much as the ſhadow of Probability.

His love to his Country.

For his Country, as he had as great Intereſt in it as any Subject, ſo his Affection yielded to none. And it is certain, that if his Counſels to the King ſeem at any time to fall ſhort of the higher ways of Authority, nothing but his Affection for his Country gave him the byaſs; for he confeſſed, *the thing in the World at which he had the greateſt horror, was the engaging in a Civil War with his Country-men.*

He was far from any Deſigns of engroſſing either Power or Places of advantage to himſelf, or his Friends; nor was he ever the occaſion of any Burden to the Country, for the Aſſignments he had on ſome Taxations, were only for payment of the Debts he had contracted by his Majeſties Command for his Expedition to *Germany*. And ſo little fond was he of being the Kings Commiſſioner in *Scotland*, that in divers of his Letters he propoſed others to his Majeſty for that Truſt, proteſting it was a Place which of all other he hated moſt; and when he ſaw Jealouſies taken at his being ſo long in that Truſt, as if the King had been to govern *Scotland* by a Commiſſioner, he preſſed his Majeſty to change him; ſo careful was he to avoid every thing which might

be a Grievance to his Country, and retard the Kings Service.

He was the great Patron of all *Scotiſhmen* in the Court, which drew on ſeveral occaſions a large ſhare of Malice upon him: as appear'd particularly in the Caſe of one Colonel *Leſley*, whom Colonel *Sanderſon*'s Friends were purſuing in the Court, alledging that *Leſley* had killed that Colonel unworthily in *Muſcovia*. The Crime was not committed in the Kings Dominions, and *Leſley* was Legally acquitted from it in *Ruſſia*, who upon a National account being a *Scotiſhman*, laid claim to the Dukes Protection; but this irritated Colonel *Sanderſon*'s Brother (who pretends to have written the Hiſtory of King *Charles* the Firſt) into ſo much Rage againſt him, that forgetting the Laws of Hiſtory, he breaks out on all occaſions into the moſt paſſionate Railings, that his ſpiteful, but blunt and impotent Malice could deviſe. And the beſt of all is, he bewrays his Ignorance as well as his Paſſion, in all the Account he gives of the *Scotiſh* Affairs; ſo that it is hard to ſay, whether his Folly in attempting to write a Hiſtory on ſuch ſlender Informations, or his Impudence in forging or venting Lies with ſuch Confidence, deſerves the ſeverer Cenſure.

And ſince I mention this *Leſley* I ſhall only add, that though *Sanderſon* tells a formal Story of the ſignal Judgments of God on him in his Death, he was alive many years after that Book was publiſhed, which can be well proved by many who knew him.

His Temperance. The Duke was very ſumptuous and magnificent in his way of Living, but abhorred that debauched cuſtom of Entertainments by Drinking, and was an example of Temperance; which coſt him dear in *Denmark*, where he refuſing the ordinary Entertainments of that Court in drinking, was not only ill uſed, but made pay a great Sum under the pretence of Paſſage-dues. Temperance was particularly recommended to him by his Majeſty, when he went to *Germany*; and his returning from that Court without once tranſgreſſing theſe Laws, was ſuch an evidence of his obſerving them, that afterwards few would tempt him to thoſe Exceſſes.

His Ingenuity. Of all Vertues he eſteemed Ingenuity and Candor moſt, as that which was the Ground of all Confidence, and the only Security among men; and therefore recommended it chiefly to others, and ſtudied to obſerve it moſt himſelf. I confeſs when I conſider his whole method of framing and carrying on his Deſigns, how ſtreight and candid they were, if I oft admire his Invention, I do much more eſteem the Ingenuity of his proceedings; for I never find him vailing Truth with a Lye, nor carrying on buſineſs with a Cheat: and to ſpeak freely, the greateſt departing from theſe Rules appeared in the Declaration emitted in *April* 1648; where among other things the Parliament declared, *they would not admit His Majeſty to the exerciſe of His Royal Authority, till He by Oath obliged Himſelf to ſwear, and ratifie the Covenant.* The Duke ſtuck long ere he would give way to this, at length finding the violent Party that croſſed the Engagement implacable, and being deſirous to withdraw from them all colours or pretences for oppoſing that Deſign, he yielded to it; and at that time ſaid to a Friend of his, that the Preſervation of the King went ſo near his Heart, that he could refuſe nothing which might make way for that. But it was far from his thoughts to ſeclude the King from the exerciſe of his

his Royal Power, and therefore it was excuſed at the ſame time, both by the Letters his Brother wrote to the King, and in the Inſtructions ſent by Sir *William Fleeming* to the Queen and Prince, and by Sir *William Bellenden* to the Prince of *Orange*. I have alſo a Journal which he took with his own hand of what paſſed in that Parliament, wherein he wrote, when that Act was put to the Vote, *that (though he gave his Vote to it) it was not his own Opinion.* And thus I lay open both his Fault, and the Temptation that led him to it, ſo that if ever any Officious Lye was of a venial Guilt, ſure this was: yet who knows if among the holy and wiſe Counſels, for which God might have permitted that Armies Miſcarriage as a Puniſhment for our other Sins, we not being ripe for a Deliverance, this departing from the ſevere Rules of Ingenuity and Vertue might not have been one procuring cauſe? but this is the only Inſtance of this Nature I have met with in the whole Survey of his Actions and Papers.

His Temper.

As for the mildneſs and gentleneſs of his Nature, no day went over him without giving new diſcoveries of it. For it was very hard to provoke him, but no leſs eaſy to appeaſe him: he was not unequal in his Humour, but as one left him they found him, being always cheerful and over the ſame. And whatever Aſpirings might have been in his mind, his Carriage was the freeſt of Haughtineſs that could be both to Equals and Inferiours: he was both eaſy to addreſs to, and affable in his Converſe, and laboured to oblige all people. And in his Command he was far from the common Practice of many, who are very careful to raiſe all the Money they can, and to oppreſs the Countries where they march or quarter. It is true the Earl of *Calander* did draw as much Money as was poſſible from the Places they paſſed through with their Army, but the Duke would meddle with none of it: and when *Calander* offered 450 Pound to his Stewart, he would not touch it till he ſpoke with his Maſter; who charged him ſtrictly not to meddle with it, and acknowledged he had done like a faithful Servant in not taking it.

It was ſo impoſſible for him to reſent Injuries, that when ſome of his Vaſſals had offended him, ſo that he was reſolved to make them ſenſible of it when-ever it lay in his way, it no ſooner came to be ſo, but their firſt Addreſs broke through all his Diſpleaſure: and never did the ſettled Compoſure of his mind appear more than at *Utoxater*, when in the midſt of all that Diſorder he preſerved his uſual Temper. The Generoſity of his mind made him ſo tender towards all in trouble, even though deſerved, that he was ſcarce capable of puniſhing any even for their Faults. A pretty Inſtance of this was, that a Woman having ſtolen ſome of his Plate, and being quickly found with it, he was asked what ſhould be done with her; to which he anſwered, it ſeemed ſhe wanted Money, wherefore he ordered to give her a Piece, and ſend her away. And when in the year 1648, a zealous Woman threw a Stone at him, as he paſſed through the Streets, all he ſaid was, *he wondred what the Woman ailed, for he was never an enemy to the Sex:* nor would he ſuffer any ſevere Sentence to be executed on her, but when her Hand was ordered to be cut off, he procured her Pardon, and ſaid, *The Stone had miſſed him, therefore he was to take care that their Sentence might miſs her.*

To

To conclude, I ſhall not offer to tell how much his Death was lamented by all who knew him, for then I ſhould never get off: I ſhall therefore only ſet down two Letters, the one of Condolance from the *Queen Mother*, another from his Majeſty who now Reigns to the Earl of *Lanerick*, then by his Brothers death Duke of *Hamilton*, which expreſſeth the value his Majeſty had of the Engagement.

Couſin,

INtending every day for a great while to have diſpatched Rainſford, *I have not hitherto done that which my ſenſe of the Loſs of my late Couſin the Duke of* Hamilton *ſhould have drawn from me long ago, which was to expreſs the concern I had for his Death: and though my own inexpreſſible Loſs hath made me incapable of feeling any thing elſe that can befal me in this World, yet it hath not made me inſenſible of your Brothers Death, both on his own account and on yours. For Conſolation, it is not eaſy for me to offer you any, being incapable of taking it to my ſelf. We muſt turn us to God, and receive it of him, for this World cannot afford it: yet if to bear a ſhare in your Affliction, may in any way leſſen ſome part of your Grief, I am aſſured you ſhall find an allay to it; and I deſire you may believe, that no perſon wiſhes you more Happineſs than my ſelf, who ſhall ſtudy on all occaſions to make it appear, that I am with all ſincerity,*

Paris 22th
April, 1649.

Couſin,

Your very good, and
affectionate Couſin,

HENRIETA MARIA R.

My Lord Hamilton,

I Am very ſorry that I could not have your Advice in my late Proceedings with Mr. Winram, *who is now returned with my Letters (the Copies whereof I ſend you herewith;) but the Treaty being appointed ſo near you at* Breda, *I ſhall deſire your Preſence at it, and ſhall much depend upon your Advice, aſſuring you that I will take care of your Intereſts, and of all thoſe honeſt men that engaged with your Brother, equally with that which concerns my ſelf. I hope the calling them* a Committee of Eſtates, *with ſuch cautions as I uſe in the Letter, will bring no pre-*

prejudice to you nor to your Friends. And I will be careful to eſtabliſh your Intereſt by the Treaty, without which I conceive I cannot have much aſſurance. I pray uſe your beſt endeavours to your Friends in Scotland, *to make their Demands moderate and reaſonable; and then I ſhall not doubt of a good Iſſue, and ſuch as may enable me to expreſs, how much I am,*

Jerſey 24th of Jan. 1649.

Your very affectionate Friend and Couſin,

CHARLES R.

ME-

R White sculp

WILLIAM DUKE of HAMILTON and
Castle Herald Marquess of Cliddisdale Earle of
Arran Cambridge and Lauerick Lord of Aven
and Innerdale one of his Ma.ty most Hon.ble Privy
Councell and Knight of the most Noble order of ye Garter
Borne Anno 1616 and died of his wounds
After Worcester Fight Ano 1652. Ano Ætat. 35.

MEMOIRES
OF THE
LIFE and ACTIONS
OF
William Duke of Hamilton, &c.

LIB. VII.

A Continuation of Affairs till Worceſter-*Fight.*

Anno 1650.

TO this account of *JAMES* Duke of *Hamilton*'s Actions, it may be expected I ſhould add the remaining *Memoires* of his Brothers Affairs. But the time he ſurvived was ſo full of Diſorder and Confuſion, that few Papers were preſerved, and theſe ſo imperfect, that without fuller Supplements than the Writer hopes for, no clear account can begiven of thoſe Times; therefore there ſhall be only added ſomewhat by way of Character, with a general Relation of the following Paſſages of his Life.

William Duke of *Hamilton* was born at *Hamilton* on the 14th of *December* in the year 1616. being ten years younger than his Brother, and of the ſame Parents. He was of a middle Stature, his Complexion black, but very agreeable, and his whole Air and Meen was noble and ſprightful: his Youth diſcovered with an extraordinary Capacity ſo much Ingenuity, that Candor ſeemed in him not ſo much the effect of vertue as nature, ſince from a Child he could never upon any tentation be made to lye. The Character of *William* Duke of *Hamilton.*

When his Father died he left him very young to the care of his Mother, and the kindneſs of his Brother, with a very ſmall Proviſion: but he confeſſed he never miſſed a Father in his Brother, who kept him not only at the Univerſity of *Glaſgow*, where he was educated, but likewiſe in his Travels at a rate, and with an Equipage, ſuitable to his Quality. He travelled ſome years in *France*, where he was very much

eſteemed, and invited to ſtay in that Court with very honourable Offers. He had a good foundation of Literature, though he was no great Scholar; and what he once acquired, was rather improved than loſt by him.

His appearance at Court.

He returned from his Travels when he was one and twenty years of Age, and was look'd on both by the King & Queen as a rare and highly promiſing Gentleman; and now that he was of an Age capable of it, his Brother and he entred into an entire Friendſhip. And finding him ſo rarely accompliſhed, and fitted for the greateſt Affairs, he kept him with himſelf at Court; and though he depended wholly upon his Brothers Generoſity for his Subſiſtence, yet he was far from making him feel that, either by upbraiding him with his Favours, or by diſparaging him with any neglect, (Faults too commonly incident to Elder Brothers, when the Younger are obliged to ſtoop to them.) But as Lord *William* was too high-minded to have endured the leaſt appearance of thoſe, ſo his Brother was not capable of giving him any ſuch hard Uſage, but allowed him all things ſuitable to his rank, and carried towards him with Reſpect as well as Affection.

He continued in the Court ſome years, being much eſteemed by all ſorts there: for as his Addreſs was becoming, ſo his Converſe was full of Life and Wit, and he was a great Maſter in all his Exerciſes. But his Brother was more careful to think of a Fortune for him than himſelf was, and therefore provided a Marriage for him, that had the expectation of a vaſt Fortune, Lady *Elizabeth Maxwel*, eldeſt Daughter to the Earl of *Dirleton*, (who had no Sons, and but one other Daughter.) It was not without reluctancy that he was engaged that way, but his Brothers Authority over him was abſolute; ſo he was married to her in the year 1638, and continued ſtill at Court. He had by her four Daughters that ſurvived him, L. *Ann*, L. *Elizabeth*, L. *Mary*, and L. *Margaret*.

He is made Secretary of State.

Afterwards he pretended to be made Maſter of the Horſe to the Queen, but Her Majeſty was engaged to another, which was much reſented by him, and made him reſolve on leaving the Court and going into *France*. This grieved his Brother extremely, and both the King and Queen ſent him a promiſe, that if he would give over thoughts of that Journey, he ſhould be preferred to what-ever Place fell, that were fit for him. And a little after that, the Earl of *Sterlin* died, who was Secretary of State for *Scotland*, and the Queen moved the King to advance him to that Truſt, to which his Majeſty did willingly conſent: for as he was glad of all opportunities of expreſſing his kindneſs to his Brother, ſo he ſaw in himſelf that which made him judge him both worthy and capable of any Imployment; and thereupon he made him Secretary, and created him Earl of *Lanerick*. He had every thing but years to recommend him to the higheſt Truſt, being Witty, Conſiderate, Brave, Generous, and reſolute to the higheſt Degree. He ſaw his Engagement in Affairs fell to be in ſuch a diſordered time, that he could not have appeared on the Scene with more diſadvantage. He had no experience at all in *Scotiſh* Affairs, but for that he reſolved to truſt to his Brothers Informations and Advices; which did not only continue till he came to underſtand Perſons and Affairs better, but that Noble Pair were all their lives united with bonds of Friendſhip ſtraiter than thoſe of their Blood. Calumny got no ac-

The Friendſhip betwixt his Brother and him.

ceſs

ceſs to their Ears, nor Emulation and Jealouſie room in their Hearts; and as their Friendſhip was never broke off with a Diſcord, ſo it was not ſo much as marred by a Miſtake. They had both Intereſts, Friends, and Quarrels in common; they were pleaſant in their Lives, nor was their Friendſhip divided in their Deaths, as appeared from the interchanged Preferences they gave one anothers Children in their Laſt Wills.

Both of them had peculiar Excellencies; yet even in thoſe things, wherein the one was excelled by the other, there remained enough to term them both eminent. The Elder had the greater Temper and Command of his Paſſions, but this made him ſometimes fall ſhort of that Acrimony and Authority which ſuch Times and Services required. The Younger was more forward and reſolute, yet ſometimes this left his Temper behind it. The Elder as he had the advantage of Years and Experience, ſo he had the deeper Apprehenſions, and the greater Foreſight; but the Younger had more Vivacity of Spirit and Readineſs of Apprehenſion. The Elder was readier to forſee a Danger, and invent Objections, and the Younger quicker at Anſwering them, and finding Salvoes for all Difficulties. The Elders Converſe was ſmoother, but more reſerved; the Younger as he was the brisker, ſo he was the more frank, and was no leſs beloved: and in fine, the Elder ſpoke more gracefully, but the other had the better Pen.

His diligence in his Imployment.

He was moſt aſſiduous in his Imployment, to procure not only favourable Anſwers, but ſpeedy Diſpatches to all thoſe who made their Addreſſes by him to the King. He frankly told every one whether he would ſerve them or not, for where he meant no Aſſiſtance he never diſguiſed it with general Aſſurances: but where he promiſed Service he needed no new Applications, either to refreſh his Memory or quicken his Diligence; and he was wont to ſay, he was ſure there was no Perſon, whoſe ſight His Majeſty had ſo little reaſon to deſire as his, ſince he never ſaw him, when there was any poſſibility of ſpeaking to him apart, but he moved him in one Suit or another. But his Confidence was grounded on this, that he gave the King no trouble with any deſires of his own: his Reality this way obliged his Friends exceedingly, who uſed to complain, that though his Brother as far as his own Kindneſs could go was moſt obliging, yet he was averſe from doing them ſuch Services with the King as they deſired of him.

His Abilities.

He had a Vivacity of Apprehenſion beyond any about him, with a great conception of things, and quickly penetrated into mens Thoughts and Deſigns. His diſcourſe was ſhort, but nervous, witty, and full of Stings, when he had a mind to reflect on others; but he was ſoon heated, and kept his Fire pretty long. There was not a mean thought lodged in his Breaſt, all his Deſigns being noble and aſpiring, which with the fervour of his Nature, made him paſs for a very proud man among his Enemies. He was indeed gallant and generous to all degrees, and none alive was capable of a higher ſenſe of Honour and Gratitude, nor more unable to ſtoop to any thing that was ſordid or mean.

His Religion.

For his Religion he was a true zealous Proteſtant, and his Opinions about our unhappy Differences at home were the ſame with his Brothers. He had a great diſlike of Church-mens pretending to meddle in Civil Affairs, finding it hurtful on all hands; and therefore was much for confining them to their own Work. In thoſe Times when

things were like to run a riſque in the Committee of Eſtates, moſt commonly the ſenſe of the Commiſſion of the General Aſſembly was brought in to declare how far Religion and the Covenant was concerned in any Particular that was under Debate; and this ſwayed ſome, and over-awed others: but nothing was more odious to him than this Practice, and he wiſely foreſaw, and often ſaid, that nothing could bring ſuch a ſtain on Religion, in the minds of thoſe who were too inclinable to receive bad impreſſions of it, as the officious and over-meddling Tempers of hot and indiſcreet Church-men. His Practice in Devotion, in ſome of his laſt years, ſhewed him to be ſincerely Religious.

He had for many years great Convictions on his Conſcience of the true excellence of Religion, but humane infirmity prevailed too much over him, and he was not free of Blemiſhes: yet he found he had to do with a merciful God, who gave him ſuch a Victory over thoſe Snares, and ſuch tender impreſſions of his Love, that long before his Death he was come to have that aſſurance of the Divine Goodneſs, that he was not only ready and willing but longing for Death. But his proſpect of it will appear better from his own Pen than any thing I can add, when he was entertaining himſelf in cold Blood with the ſerious Apprehenſions of that grave Object, and penned his Latter Will, which ſhall be ſet down in its own place.

His troubles proved happy to him.

The Afflictions he lay under in his laſt years, contributed not a little to the raiſing that ſenſe of things in him, theſe having been the ſaddeſt years *Scotland* ever ſaw, in which he was overlaid both with publick and perſonal Troubles. Thoſe which went neareſt his Heart, and wounded it in its moſt ſenſible part, were firſt the Kings Murther, and then his Brothers; neither was he capable of ſo mean a thought, as to receive any allay to the laſt by the Dignity and Fortune which thereby deſcended on him. The Friendſhip betwixt them had continued to the end ſacred and inviolated, and as the Elder tranſmitted not only his Eſtate and Honour, but left alſo his perſonal Eſtate, Jewels, Plate, and Pictures (which were of great value) to his Brother, giving only Portions to his Daughters, truſting even the Writings for theſe to his Brother, to leſſen them as he found the Eſtate might bear it; ſo the Younger judged himſelf bound in Honour and Gratitude to return ſuch of thoſe as were ſtill in his power, (many of them having been either diſpoſed of for defraying his neceſſary Expence in that troubleſome Time, or loſt in the Invaſion of *Scotland*) again to his Brothers Daughter, whereby he proſecuted his Brothers firſt Deſign, who had provided the Honour and Fortune to deſcend on his own Daughters if his Brother had no Sons. And ſo much did he honour his Brothers Memory, that Injuries done himſelf raiſed not ſuch irreconcilable Reſentments in him as thoſe had been done his Brother: neither was any Addreſs ſo welcome to him, as that which came with a reſpective Remembrance of his Brother; and he entailed his Friendſhip for him on his Daughters, who have deſired me to acknowledge to the World, that in him they met with the tenderneſs of a Father, the kindneſs of a Friend, and every thing that was generouſly noble and obliging. And

His care of his Brothers Daughters.

ſo deſirous was he to have his Neece enjoy her Fathers Eſtate and Dignity, that at his going to *England* he profeſſed he was glad he had no Sons to lie in her way to it; adding, that if he had fourty Sons, he rather

then, wiſhed it to her, than he could do to any of them. And for proof of this, though many Evidences might be given, yet I ſhall only add one Letter he wrote to her; and the Orders he gave to all that depended on him, diſcovered it to be no Complement, for it was as really performed as it was generouſly offered.

Dear Neece,

AMongſt all my juſt Afflictions there is none lies ſo heavy upon me, as that I am ſtill made incapable of paying that Duty to you which I owe you. It is the greateſt Debt I owe on Earth, and which would moſt joy me to pay, as well from Inclination as from Nature and Obligations; but all Happineſs being denied me, I cannot hope for that which would be the greateſt.

Before this I hope you are ſettled in Hamilton, *where you have, as is moſt juſt, the ſame Power your Father had, and I beſeech you to diſpoſe as abſolutely upon every thing that is there. All I have intereſt in, ſo long as they will acknowledge me, will obey you; and I ſhall earneſtly beg, that if there be any failings (either from perſons, or in providing what you ſhall think fit to call for, which that Fortune can procure) to advertiſe me thereof, and if it be not helped (ſo my Fortune can do it) let me be as infamous as I am unfortunate. I will trouble you no longer, but pray the Lord to bleſs you with Comfort and Health.*

Campheer, the 10th of June 1649.

Dear Neece,
Your real Servant,

HAMILTON.

His Duty to the King.

As for thoſe Princes whom he ſerved, he had even as much Juſtice from Fame as his heart could wiſh, ſince none did ever faſten any ill Characters on him in that particular, except that little which was done at *Oxford*. But he who of all living knew his Brother beſt, acknowledged that in this he had the better of him only by Fame, and that the longer he lived he diſcerned the more wiſdom in his Deſigns, and honeſty in all his Counſels: but that which made the difference was, that his Temper was more forward, and he often ſpoke out thoſe Reſentments which his Brother either had not with ſo much Paſſion, or chuſed to bury in his Breaſt.

Nothing did ſo much ſupport his ſpirit under the heavy Preſſure that lay over it, as the deſire he had to preſerve his Life for His Majeſties Service, of which he was prodigal, when he ſaw it uſeleſs to his Maſter, for his Life had been of a great while burdenſome to him: and indeed it was no wonder to ſee Death ſo welcome to one who had ſo little reaſon to deſire to live, and ſo much ground to hope in Death; for when the Toſſings, and unjuſt unmerciful Uſage he met with in thoſe years he ſurvived his Brother, are well looked into, it is a wonder they forced him not unto *the horrideſt Reſolutions imaginable*, (I uſe his own words) *and to purſue private and publick Injuries with a mortal Reſentment:* yet his zeal for the Kings Service, and the Countries Quiet, over-ruled all other thoughts. From *Scotland* he went to *Holland* where he was ſcarce landed when he heard the ſad and diſmal news of the Kings Murder, nor had he recovered of the extreme

Grief

Grief that raiſed in him, when he heard likewiſe how his Brother was murthered, which afflicted him beyond expreſſion; nor did any thing grieve him more than his laying down Arms at *Sterlin*, for when he ſaw too late how they had been abuſed in it, he cenſured it more ſeverely than any of his Enemies could do.

He was ill uſed by his Enemies, and the Preachers.

In *Scotland* the Parliament (if that Meeting could ever deſerve that name, wherein there were ſcarce any of the Nobility preſent) not only condemned the Engagement for the King, but paſſed an Act againſt all the Engagers, ranking them in ſeveral *Claſſes*, whence it got the name of an *Act of Claſſes*, whereby they were excluded from all Offices, publick Truſt, and Vote in Parliament: nor were they ever to be admitted to Truſt, till they had ſatisfied the Church by a publick profeſſion of their Repentance for their acceſſion to the unlawful Engagement, as it was then called, and were by them recommended to the favour of the State; and thoſe that ruled were reſolved to admit none, but ſuch as would depend on them, and adhere to their Intereſts. They were alſo particularly ſevere to the Duke, for breaking Confinement, and leaving *Scotland* without their Paſs. The Duke upon his arrival in *Holland* offered his Service to his Maſter, (our Gracious Soveraign who now Reigns) which he received and entertained with ſo much Royal Goodneſs, as if the Affection and Confidence of their Maſters had been the Inheritance of theſe Brothers; and what the late King was to the Elder, his Majeſty was to the Younger, who continues to this day to honour his Memory with the higheſt Commendations. And indeed his Royal Favour was not miſplaced on one that was either unſenſible or ungrateful, for never Subject ſerved Maſter with more Honeſty, Zeal, and Affection; ſo that no conſideration either of Hope or Fear wrought ſo much on him, as the Affection he bore his Maſter: neither expreſſed he anxiety for any thing at his Death, ſave for His Majeſties Perſon, fearing leſt he might fall into their cruel hands, whom he knew to be thirſting for his Blood.

He adviſeth the King to ſettle with *Scotland*.

He ſtayed in the *Netherlands* till His Majeſty came to *Scotland*; and though thoſe that governed there were ſo much his Enemies, that they would have the King ſtand to their *Act of Claſſes*, and made that one of the Articles of their Treaty at *Breda*: yet the Duke ſeeing the deſperate poſture the Kings Affairs were in, and that no viſible hope remained unleſs His Majeſty ſettled fully with *Scotland*, was not only ſatisfied to conſent to that ſevere Demand, but did earneſtly preſs His Majeſty to agree with that Kingdom, whatever might become of him. Many were for extremer Methods, and preſſed the Duke to concur for making a forcible Impreſſion upon *Scotland*: but he well foreſaw the miſchief of that Courſe, and how little could be promiſed from it; for as no great Concurrence could be expected in the condition things were then driven to, ſo all that could follow, even on a little ſucceſs, was to expoſe the Country to the rage of a prevailing Army from *England*, againſt which *Scotland* entirely united would have had work enough, though it had not been weakned by a Civil War; and therefore he was againſt all Diviſions, which might alſo have tempted the prevailing Party to joyn with the *Engliſh* Army.

The Treaty with the *Scotiſh* Commiſſioners was held at *Breda*, where things ſtuck long, their Demands being very high and uneaſy to the King. The chief of the Commiſſioners was the Earl of *Caſſilis*, who did

did truly love the King and Kingly Government; ſo that when the Uſurpation proved ſucceſsful by the Conqueſt of *Scotland* afterwards, though Uſurper ſtudied by the greateſt Offers he could make to gain him to his Party, conſidering the high eſteem he was in for his Piety and Vertue, could never prevail ſo far as to make him advance one ſtep towards him, even in outward Civilities: yet he was a moſt zealous Covenanter, but of ſo ſevere a Vertue, and ſo exactly ſtrict to every thing, in which he judged his Honour or Conſcience concerned, that he would not abate an ace of his Inſtructions, but ſtood his ground ſo that nothing could beat or draw him out of it. But he did it with ſo much Fairneſs and Candor, that the King, though troubled enough with the difficulties that bred him, yet was much taken with the Openneſs of his Proceeding with him, and conceived ſo high an Opinion of his Fidelity to him, that nothing could ever change or leſſen it: ſo ſo excellent a thing is Ingenuity that it begets an eſteem wherever it is to be found, even when we are moſt diſpleaſed with the Inſtances in which it appears. The next in the Commiſſion was the Earl of *Lothian*, who though he was deeply engaged in Friendſhip and Intereſts with the Marquis of *Argyle*, yet was of a Noble Temper, had great Parts, and a high ſenſe of Honour. The other Commiſſioners depended on them, and went eaſily along with them in what they agreed to.

The Commiſſioners, ſeeing the good Offices the Duke did, were willing he ſhould return with his Majeſty to *Scotland Anno* 1650, and enjoy the common Priviledges of *Scotchmen*, only be ſecluded from all publick Truſt, and from his Vote in Parliament. But the leading-men in *Scotland* judged it neceſſary for the Peace of that Kingdom, that the Duke might not return with His Majeſty, and ſent Orders for ſtopping his Voyage. Theſe Orders came not to *Holland*, before moſt of the Commiſſioners were aboard, only the Earls of *Caſſilis* and *Lothian* were aſhore when they got them; they were much troubled to get ſuch ſevere Commands, obliging them to break the Treaty they had ſo lately ſigned. But ſince moſt of their fellow-Commiſſioners were gone, and they without them made not a *Quorum*, they could do nothing, ſo that the Duke was ſuffered to return to *Scotland* with the King. But at His Majeſties Landing, one appointed by the Parliament to put him from the King, required him to withdraw: and when the King preſſed the Commiſſioners with the Articles of their Treaty, they ſaid they could not oppoſe an Order of Parliament. The King was much offended with this, and was inclining to reſent it, both as an unworthy Uſage and as a Breach of Treaty: but the Duke told him, that at that time *Argyle* was the perſon who was moſt able to render him conſiderable Service in *Scotland*; therefore though he knew he deſigned nothing ſo much as his Ruin, yet he adviſed His Majeſty to uſe all poſſible means to gain him abſolutely to his Party, and to neglect himſelf as much as *Argyle* deſired, and not at all to ſeem much concerned in him; adding, that he knew when His Majeſties Affairs were in a better poſture, he would not forget his faithful Servants. (This particular His Sacred Majeſty vouchſafed to tell the Writer.) It was in vain for him to claim either the benefit of the Treaty at *Sterlin*, or *Breda*, Intereſt and Jealouſy prevailing more with theſe who then ruled than any other Tie; ſo the Duke was forced to retire to the Iſle of *Arran*, where he ſtayed till the end of *January* 1651: nor could his

But is put from His Majeſty at his return to *Scotland*.

And goes to *Arran*.

his Petitions with the Interceſſions of his Friends prevail for allowing him the liberty of coming to fight for his King and Country, ſo that he was forced to ſtay at *Arran* till the beſt half of *Scotland* was loſt.

Cromwell enters *Scotland.* But God who had ſuffered the Church-party to prevail long, did blaſt their Force and Succeſs at once; for *Cromwel* upon the Parliament of *Scotland's* bringing home their King, entred it with his Army. The Church-party as they had no mind to invade *England* on the Kings account, ſo were very careful to declare that their Arming againſt *Cromwel* was not on the Kings account, which they excluded from the ſtate of the Quarrel by an Act of their Committee; and declared that they ſtood only to their own Defence, againſt that Hoſtile Invaſion which was contrary to their Covenant and Treaties. They were alſo very careful to model their Army, ſo that neither Malignant nor Engager that had been of the Kings Party, ſhould ſerve in it; for though when His Majeſty came to their Army at *Leith*, the Souldiers were much animated by his Preſence, and with the coming of two thouſand brave Gentlemen with him to the Army, yet the Leaders of that Party pretended, that ſince the Malignants were in their Army God would be provoked to give them up to the Enemy, and therefore forced the King to leave the Army. They alſo forced away all thoſe Gentlemen who came and offered their Service. I ſhall not purſue this account further, but only add, that notwithſtanding all their Confidence of their Army, and though they had the Enemy at great diſadvantages, ſo that he and all his Officers gave themſelves for gone; yet they were with very little Oppoſition broken and routed near *Dunbar* on the third of *September* 1650, and even thoſe who two years before had inſulted over the Misfortunes of the Engagement, were now themſelves taught, how ill an Argument Succeſs was to evince the Goodneſs of a Cauſe.

Dunbar-Fight.

The King is better uſed in *Scotland.* This procured a great change in the Counſels of *Scotland*, for by that time the honeſter, and better part of the Clergy were by the Murther of the King, and the other Proceedings in *England*, filled with diſtaſt and horrour at them, and began to think how defective they had hitherto been in their Duty to the King, and therefore reſolved to adhere more faithfully to it in all time coming. Others of the Church-party did alſo ſee, that as *Cromwel* was ſetting up a Commonwealth in *England*, ſo they found many of the forwarder amongſt themſelves very much inclined to it in *Scotland*. This divided them from the other violent Party, & made them joyn more cordially with the King, and be willing to receive his other faithful Servants to oppoſe the Common Enemy; therefore it was brought under debate, if the *Act of Claſſes* that excluded them from Truſt, ſhould not be reſcinded, and all Subjects allowed to enjoy their Priviledges, and ſuffered to reſiſt the Common Enemy: after long debate it was carried in the Affirmative, yet none vvere to be received but upon particular Applications and Profeſſions of Repentance. The Commiſſion of the Kirk being alſo asked their Opinions, declared, that in ſuch an Exigency, vvhen the Enemy vvas Maſter of all on the South of *Forth* and *Clide*, all ſenſible perſons might be raiſed for the Defence of the Country. This vvas called the Reſolution of the Commiſſion of the General Aſſembly, and was ratified by the ſubſequent General Aſſembly. But againſt this many Miniſters proteſted, and from thence aroſe great Heats and Diviſions among

The Church-party divided.

among thoſe of the Kirkmen, who owned the Publick Reſolutions, and thoſe who Proteſted againſt them, the one being called the *Publick-Reſolutioners*, and the other *Proteſters*. And now all Churches were full of pretended Penitents, for every one that offered his Service to the King, was received upon the Publick profeſſion of his Repentance for his former Malignancy, wherein all ſaw they were only doing it in compliance to the peremptory Humour of that time. *An.* 1652.

It was about the end of *January* that the Duke was ſuffered to come and wait on the King; but at that time *Cliddiſdale*, with the other Places where his Intereſt lay, were in the Enemies hands, who had put Garriſons in *Hamilton*, *Douglas*, *Carnwath*, *Boghall*, and other Houſes of that Country. Yet the Duke got quickly about him a brave Troop of about an hundred Horſe, made up of many Noblemen and Gentlemen. who rode in it, among whom were divers Earls and Lords, whoſe Lands being alſo poſſeſſed by the Enemy, they could do no more but hazard their own Perſons in his Majeſties Service; the reſt were his Vaſſals and Gentlemen of his Name: and they were commanded under him by a gallant Gentleman, Sir *Thomas Hamilton* of *Preſton*, whom he ſent with 18 Horſe to *Cliddiſdale*, to try if the Enemy could be catched at any diſadvantage, and the People of the Country raiſed for the King. The Enemy kept ſo good Guards, and was ſo ſtrong at *Hamilton*, that he could not fall in there; therefore he went to *Douglas*, where he took about 80 Horſe that belonged to the Garriſon, but could not ſurprize the Houſe, for it was too ſtrong to be taken without Cannon. He likewiſe took all the Horſe that belonged to the Garriſon at *Boghall*, and killed twenty Souldiers. This made the Enemy keep cloſer at *Hamilton*, upon which the Duke reſolved to raiſe ten Troops of Horſe, and appointed Sir *Thomas Hamilton* Lieutenant-Collonel; but the Enemies Garriſons gave great interruptions to his Deſigns. The Duke is ſuffered to wait on the King.

At that time the Enemy landed at *Innerkeething* in *Fife*, and the great Loſs the King had there, did both raiſe the Enemies boldneſs, and much daunt his faithful Friends: for now *Cromwell* was betwixt His Majeſty and the Northern Counties of *Scotland*, which were both moſt affectionate to his Service, and from whence he was to expect Proviſions and Supplies; ſo that it was not poſſible for the King to maintain the War any longer in *Scotland*, and therefore he reſolved on a March to *England*, being put in hopes of great Acceſſions of force to his Army from the Royal Party there: and this gave a trial to the Fidelity and Courage of many of the *Scotiſh* Nation: but too many looking on the Attempt as deſperate, being more careful of their Lives and Fortunes than to hazard either in the King's Service, ſhrunk away, though divers of them had Charges in the Army. Againſt theſe baſe Deſerters of their King and Country, the Duke was moved with ſuch juſt Indignation, that he vowed if ever he returned with Life and Liberty, he ſhould make theſe in whom he had intereſt anſwer for it. The King marches to *England*.

But the Duke's thoughts of this March, and his ſad apprehenſions of the whole Buſineſs, will appear from the following Letter he wrote to his Neece that ſucceeded him.

An. 1652.

Dear Neece,

INdeed I know not what to ſay to you, I would fain ſay ſomething more encouraging than my laſt was; but I cannot lie, our Condition is no better, and ſince that time we have a thouſand men (I fear twice that number) run from our Army. Since the Enemy ſhuns Fighting with us except upon advantage, we muſt either ſtarve, disband, or go with a handful of Men into England. *This laſt ſeems to be the leaſt Ill, yet it appears very deſperate to me, for more reaſons than I will trouble you with: I fear your own Reaſon will afford you too many. Dear Neece, it is not your Courage I will deſire you to make uſe of in this Extremity, look for Strength to bear it from a higher Power, all your Natural Virtues will not reſiſt it; therefore look to him who hath in former times aſſiſted you to reſiſt a great Affliction, and can do it again if you ſeek to him aright; you have already loſt ſo much, that all other Earthly Loſſes were drowned in that. Thoſe you meet with now are Chriſtian Exerciſes, wherewith oftimes the Lord viſits his own to wean their Affections from things here below, that we may place them upon himſelf, in whom we have all things; and if we could, as we ought, ſet our Hearts upon him, we ſhould find our ſelves very little concerned in moſt things which bring us greateſt Trouble here on Earth, where we are but for a minute in our way to Eternity. O conſider that word* Eternity, *and you will find we ſtruggle here for that, that's even leſs than nothing; why trouble we our ſelves for Earthly Loſſes? for when we have loſt all we have, there are thouſands as dear to God as we, as poor as we. We are rich though we loſe the whole World if we gain him: let us ſet before our eyes the example of thoſe, who to give teſtimony to the Truth, rejoyced to lay down their Lives; nay, let us with humble preſumption follow the Pattern of our Bleſſed Saviour, who for our ſakes ſuffered more than man can think on, the burthen of all our Sins, and the Wrath of his Father: and ſhall we then repine to lay down our Lives for him, when he calls for it from us, to give us a nearer admittance to him, than we can hope for while we are clog'd with our Clay-Tenements. Dear Neece, I ſhould never be weary to talk with you, though this be a Subject I confeſs I cannot ſpeak of well; but even that Happineſs is bereft me, by the importunity of a Crowd of Perſons that are now in the Room with me, grudging the time I take in telling you, that while I am,*

Sterlin, 28th July, 1651.

I am Yours, &c.

The Duke waited on the King in the whole March, and gave Order that the Troops which he had levyed ſhould follow with all poſſible haſte. Seven of them came up, and joyned the Army at *Moffet*, but the interruptions the Enemy gave, made that the reſt could not be raiſed; nor were theſe Troops full. The Duke welcomed them with great affection, and aſſured them they ſhould be as dear to him as his own Life, and that if God bleſſed the King with Succeſs, he ſhould be very careful to ſee them rewarded as they ſhould deſerve: but ſeeing they made in all but betwixt two and three hundred, he feared too many Standards would make them look like the remains of a broken Army; and therefore he ſet up only his own Standard, and ſo turned his ſmall Regiment into a great Troop, and marched on with the Army.

When

When the Army came to *Warington-Bridge*, and beat *Lambert* from it, the Duke Commanded the Brigade (where his Horſe were) that was in the Reer of the Foot; but that and the other Brigade of Horſe being commanded to halt, he ſent his Major to the Lieutenant-General, for Orders to March, that the Enemy might be vigorouſly purſued: but the Lieutenant-General would have the Foot led over firſt, and ſo that occaſion was loſt, which he with many others did infinitely regret with great demonſtrations of Grief. Then it was debated, which way the King ſhould hold: the Duke preſſed that they ſhould March ſtreight to *London*, which was the deſire of the whole Army, and that which *Lambert* apprehended, for in his Retreat he took the *London*-Road. There were alſo many other reaſons uſed to enforce it, but the *Engliſh* Nobility and Gentry, who were in the Army, and the Earl of *Derby*, who with many Gentlemen came to the Army that night, gave many reaſons againſt that March. The Duke ſeeing them ſo much againſt it, though his Reaſon could not go along with theirs; yet that he might not oppoſe ſo many brave and Loyal Gentlemen, went out of the Kings Tent, for he would not by his Preſence ſeem to conſent to that which he apprehended would prejudice the Kings Service: but was ſo far from diſparaging the other Counſels, and enhancing the value of his own, that he went and laboured with all the Officers of the Army, to engage them to a cheerful Concurrence in the Reſolutions that were taken, and ſtudied even to perſwade them to aſſent to that which had not yet prevailed on his own Reaſon. *An.* 1651.

Lambert is beat from *Warington*-bridge

The Reſolution being taken to go to *Worceſter* and ſtorm it, the Army marched, and when they came near the Town, ſome Horſe and Dragoons which were ſent thither by *Lambert* two days before, retired to *Gloceſter*; and the King entred *Worceſter* with two Bodies of Foot, the reſt Marched through the Town over the *Severn*. The day after the King came to *Worceſter*, the Duke with many of the Nobility and Gentry went to the Croſs, and himſelf read the Kings Proclamation, and cauſed the Major of the Town to proclaim it; but God having deſigned to ſet his Majeſty on the Throne of his Anceſtors by his own Immediate Hand, all hopes of ſupplies from *Wales*, or other well-affected Places, vaniſhed. *Cromwell* alſo followed the King from *Scotland* in great Marches, having left General *Monk* (ſince the famous Duke of *Albemarle*) there with an Army to ſubdue the little ſtrength that remained for maintaining his Majeſties Intereſt in that Kingdom. The day after *Cromwel* came before *Worceſter*, the King called a great Council of War, to conſider what was to be done, where the Duke ſpoke firſt, and after he had in as ſhort terms as was poſſible opened the ſtate of Affairs, he ſaid one of three things muſt be done; Either they were to March out and fight, to lie ſtill and provide for a Siege, or to March to *London*, the other ſide of the *Severn* being then free. He propoſed the Difficulties of all theſe, yet ſaid one of them was to be done, and deſired that his Majeſty might put it to the debate, which of them was fitteſt. None propoſed a fourth Expedient. But the Duke did afterwards ſuggeſt, if the Marching into *Wales* might be adviſeable; but as they were in the debate, before the half of the Council of War had delivered their opinions, there came an Alarm to the door that diſſolved the Meeting. This was four days before the Fight, the Enemy grew daily ſtronger, and raiſed the whole Country to his Aſſiſtance; and as the Kings ſmall Army was utterly diſproporti-

The King entered *Worceſter*.

An. 1651. oned to their Strength, ſo the Courage of the Souldiers did daily abate; and the Duke as he clearly foreſaw the ruine of the Kings Affairs at that time, and the Captivity of his Country that would follow; ſome deſired not to out-live it, which he plainly told to ſome of his more intimate Friends, though for incouraging others, he put on a great appearance of Cheerfulneſs on his looks: but apprehending that his End drew nigh, notwithſtanding all the Attendance he was obliged to at Court, and with the Army; yet he ſet off large portions of his Time for reviewing his Life, and fitting himſelf for Eternity; and when his Imployment all day denied him the conveniency of ſuch long and ſerious Retirements as that Work required, he took it from his ſleep in the night, being more ſolicitous for reſt to his Mind than to his Body. And the night before the often fatal third of *September*, which was the day of *Worceſter*-Fight, though he had ſtayed very late in the Court; yet when he came to his Lodgings, the apprehenſions he had of what was before him kept him awake and ſerious, as will appear from the following Paper which he wrote, and was found in his Pockets when they were ſearched after his Death.

The Duke apprehenns and prepares for Death.

A Meditation on Death, and a Prayer.

WHEN ſadneſs for any Worldly Croſs lies heavy upon thee, remember thou art a Chriſtian, deſigned for the Inheritance of Jeſus; or if thou be an obſtinate impenitent Sinner, as ſure as God is juſt thou muſt periſh; if this be thy Condition I cannot blame thee to be ſad, ſad till thy heart-ſtrings crack. But then why art thou troubled for the loſs of Friends, Fortune, or for any Worldly want? what ſhould a damned man do with any of theſe? did ever any man upon the wrack afflict himſelf becauſe his Miſtreſs ſlighted him, or call for the particulars of a Purchaſe upon the Gallows? if thou doſt really believe thou ſhalt be damned, I do not ſay it will cure all other Sadneſs, but certainly it will, or ought to ſwallow it up.

And if thou believeſt thou ſhalt be ſaved, conſider how great is that Joy, how infinite is that Change, how unſpeakable is the Glory, how excellent is the Recompence for all thy Sufferings in the World. So let thy Condition be what it will, compared to thy future poſſibility, thou canſt not feel the preſent ſmart of a croſs Fortune to any great degree, either becauſe thou haſt a far bigger Sorrow or a far bigger Joy. Here thou art but a Stranger travelling to a Country, where the Glories of a Kingdom are prepared for thee; it is therefore a huge folly to be much afflicted, becauſe thou haſt a leſs convenient Inn to Lodge in by the way.

Let us prepare our ſelves againſt Changes always expecting them, that we be not ſurprized when they come. O death, how bitter art thou to a man that is at reſt in his Poſſeſſions; to the rich man, who had promiſed himſelf eaſe and fulneſs for many years, it was a ſad Arreſt that his Soul was ſurprized the firſt night. But the Apoſtles who every day knockt at the Gate of Death, and lookt upon it continually, went to their Martyrdom in peace and evenneſs. Anytus *and* Miletus *may kill me, but they cannot hurt me: we are troubled on every ſide, but not diſtreſſed; perplexed, but not in deſpair; perſecuted, but not forſaken; caſt down, but not deſtroyed: and who is he that will harm you, if ye be followers of that which is good?*

Conſider that Afflictions are oft-times the occaſions of great Temporal Advantages, and we muſt not look upon them as they ſit heavy us, but as they ſerve ſome of Gods ends, and the purpoſes of Univerſal Providence: and when a Prince fights juſtly, and yet unproſperouſly, could he ſee the reaſons

ſons for which God orders it, he would find it unreaſonable, nay ill, to have it otherwiſe. If a man could have opened one of the Pages of Divine Counſel, and ſeen the event of Joſeph's *being ſold to the Merchants of* Midian, *he might with much reaſon have dried up the young mans Tears. The caſe of* Themiſtocles *was not much unlike that of* Joſeph, *for being baniſhed he likewiſe grew in favour with the* Perſian *King, and told his Wife,* he had periſhed unleſs he had periſhed. *God eſteems it one of his Glories to bring good out of evil, and therefore it were but reaſon we ſhould leave God to govern his own World as he pleaſes, and that we ſhould patiently wait till the Change come, and likewiſe not envy the Proſperity of the wicked.* Reſt in the Lord, and wait patiently for him; fret not thy ſelf becauſe of him who proſpereth in his way, becauſe of the man who brings wicked devices to paſs; for evil doers ſhall be cut off, but thoſe that wait upon the Lord ſhall inherit the Earth. Theramenes, *one of the Thirty Tyrants of* Athens, *eſcaped when his houſe fell upon him, but was ſhortly after put to Death by his Colleagues in the Tyranny.* An. 1651.

The laſt great Trial is Death, for which ſhould we grieve, of all griefs it is the moſt unreaſonable: for why ſhould we grieve at that which is abſolutely unavoidable? and it is not ſo much to be cared for how long we live, as how well we live, for that Life is not beſt which is longeſt. The ſhortning of our days is an Evil wholly depending on Opinion, for if men did now naturally live but Twenty years, then we ſhould be ſatisfied if they died about 16 *or* 18. *We call not that Death immature in any who live to Seventy, and yet this Age is as far ſhort of the old Period before and ſince the Flood, as he who now dies of eighteen is of Seventy. Let us ſtill be ready for it, and it cannot come too ſoon, for let us die young or old, ſtill we have an Immortal Soul, and do lay down our Bodies for a time, as that which was the Inſtrument of our Sorrow and Trouble, and the Scene of Sickneſs and Diſeaſes: let us not then fear that which rids us of all theſe, for by fearing it we ſhall never the more avoid it, but make it the more miſerable to us.* Fanius *who killed himſelf for fear of Death, died as certainly as* Porcia *who eat burning Coals, or* Cato *who tore out his own Bowels. To die is neceſſary and natural, and may be honourable; but to die poorly, baſely, and ſinfully, that alone is that which can make a man miſerable, for no man can be a Slave but he that fears pain, or fears to die; to ſuch a man nothing but peaceable times can ſecure his Quiet, for he depends upon things without him for his Felicity, and ſo is well but during the Pleaſure of his Enemy, a Thief or a Tyrant: but bleſſed is he who willingly reſigns his Soul and Body into Gods hands, as unto the hands of a bleſſed Creator and Redeemer.*

O Bleſſed Jeſus, thou didſt die for me, grant that I may with Joy ſubmit unto thy Summons, when thou ſhalt call me to Death, for thou art my Advocate as well as my Judge, and cameſt into the World to ſave ſinners, whereof, O Lord, I acknowledg I am the greateſt: but thy Mercies are infinite, O God of Mercy and God of all Comfort, with much mercy look upon the ſadneſs and ſorrow of thy Servant; my Sins lie heavy upon me, and preſs me ſore, by reaſon of thy hot diſpleaſure; my Miſeries are without comfort, becauſe they are the puniſhments of my Sins: my Sin hath cauſed my ſorrow, and my ſorrow doth not cure my Sin, and unleſs thou for thy own ſake, and meerly becauſe thou art good, pity me, I am as much without Remedy as without Comfort. Lord pity me, let thy Grace refreſh my ſpirit, let thy Comfort ſupport me, thy Mercies

An. 1651. *cies pardon me, and let not my portion be among helpleſs and accurſed Spirits, for thou art good and gracious, and I throw my ſelf upon thy Mercy; ſuffer me never to let my hold go, and do then with me what ſeems good in thy own eyes. I cannot ſuffer more than I have deſerved, and yet I can need no Relief ſo great as thy Mercy is, for thou art infinitely more merciful than I can be miſerable. Lord, make me the object of thy Mercy, both in my Life and in my Death; & if even this day thou ſhalt think fit to remove me from this valley of miſeries, either by the violent hand of this mercileſs Enemy, or any other way which in thy Providence thou haſt ordained, when my Soul ſhall go out from the Priſon of this Body, may it be received by Angels, and preſerved from the horrour and amazements, and the ſurprize of Evil Spirits, and be laid up in the Boſom of our Lord, till at the day of thy ſecond Coming it ſhall be reunited to the Body; which is now to be laid in the duſt, yet I hope ſhall be raiſed up in Joy to live for ever, and behold the Face of God in the Glories of our Lord Jeſus, who is our Hope, our Reſurrection, and our Life, our Bleſſed and ever-Glorious Redeemer, to whom with the Father and the Holy Spirit be all Honour and Glory, for ever and ever.* Amen.

In theſe Exerciſes he continued till it was almoſt morning; and then he threw himſelf down on the Bed, where he did not lie above two hours when he was called on to make ready, and aſſoon as he was Dreſſed and Armed, he waited on the King into the Field.

The Dukes Regiment charges gallantly at *Worceſter*-Fight.

The Account of that Engagement is not here to be offered, ſince nothing belongs to this Work but that wherein the Duke was concerned. His Regiment was commanded to charge a Body of Horſe and Foot, that ſtood near two peece of Cannon not far from the *Severn*: but there were two great Bodies of Foot ſtanding on each ſide of the Lane, through which they were to go, and theſe firing on them as they paſſed, they received great Loſs; but having got through the Lane, there was no coming to the Enemy, who ſtood in a cloſe Ground, but through a Gap in the Hedge, through which the Lieutenant Collonel with a very inconſiderable Number Charged, and the Enemy gave ground, and left the Cannon in their hands, the Horſe retiring to *Hacker's* Regiment, who came up and Charged, and was gallantly received by the Lieutenant Collonel and the Dukes Regiment: but ſome Foot brought to line the Hedges on their Flanks, Fired ſo on them that they were forced to retire. The Duke being near the Kings Perſon, and obſerving all that paſſed, inquired who they were, and being told it was his own Regiment, he thought it unworthy of him to be too far from Danger, when they were ſo put to it, and galloped all alone from the King to the place where they were; where he found them retiring, and did all he could either by words or threatnings to make them keep their Ground. But the Enemy did ſtill bring up more Foot, and Fired unceſſantly on them, and moſt of the Officers were either wounded, or had their Horſes killed under them; particularly the Lieutenant Collonel, who had all the while Charged very gallantly, had his Horſe ſhot under him, and ſo they were beaten back. The Duke himſelf keeped in the Reer, with ſuch as were in a Condition to wait on him, to the great hazard of his Perſon, and gave ſignal demonſtrations of a high Courage: but the Enemy following him cloſe in great Bodies, he commanded ſome Foot to make good the Hedge againſt them, and rode up and down among them, and encouraged them to ſtand and die for the

His great Valour.

Service

Service of their King, and the Honour of their Country; and did ſe- *An.* 1652.
veral times Charge down to the Hedges, ſo that all were aſtoniſhed at ſuch daring and unuſual Valour. But the Enemy preſſing on, he rode again with his Piſtol in his hand to the Hedge, where he received the fatal Shot that quite diſabled him. His Majeſty hearing of the extreme Danger he expoſed himſelf to in theſe Charges, and knowing well how great a loſs he would ſuffer, if ſo brave a Commander and ſuch a wiſe and faithful Counſellor were killed, ſent once & again to call him away from that Hazard he was in, but he chooſed to prefer his Majeſties Service to theſe moſt obliging Commands; yet being diſabled by the Wound he got, he was forced to retire to the Town. The total routing of the Army quickly followed, and by the taking of *Worceſter* that night he fell into the Enemies hands. He is wounded. And taken.

When he came to his Lodgings his Wound was ſearched by the Kings Surgeon, Mr. *Kincaid*, who found that by a ſlug-ſhot the Bone of his Leg, a little below the Joynt, was cruſhed, and ſo broken that many Splinters with the Bullet were taken out at firſt dreſſing, and many more fragments were at ſeveral other dreſſings ſeparated from the Bone; and the Surgeon told him, the only way to ſave his Life, was to loſe his Leg. But *Trappam*, *Cromwel's* Surgeon, being ſent by him to [illegible] on the Duke, aſſured him there was no hazard. Two days after the Duke was wounded, the Kings Phyſitian, Sir *Robert Cunningham*, being found out among the Priſoners, was brought to him, who found he had loſt much blood by his Wound, and therefore opened a vein in his Arm, which diverted the Courſe of the Blood. Then the Duke asked his opinion about him, who told him plainly, there was no hope of ſaving his Life but by cutting off his Leg, and if that were done ſome hopes remained; but *Trappam* having aſſured him there was no hazard, he was not willing to ſubmit to ſo ſevere a Sentence, till he were further ſatisfied of its being abſolutely neceſſary: therefore he ſent to *London* for Mr. *Dickſon*, who was an expert Surgeon, in whom he had great Confidence, and he came to him with all poſſible haſte; but it was too late, for the Dukes Strength and Spirits were ſo waſted that they durſt not adventure on the Operation. During theſe few days of the Dukes Life, he expreſſed great Compoſure of mind, and a chearful willingneſs to welcome his approaching End, which drew on a-pace; nor ſhewed he anxiety or concern in any thing but his Majeſties Preſervation, for which as he prayed conſtantly, ſo he ſtill enquired News concerning him, and bleſſed God that he heard none, judging from that that he was ſafe and had eſcaped. On the 8th of *September*, finding his Strength failing him, and looking on himſelf as a dead man, he ſent his laſt thoughts to his Lady and Neeces in the following Letter written with his own Hand.

Dear Heart,

YOU know I have been long labouring, though in great weakneſs, to be prepared againſt this expected Change, and I thank my God I find Comfort in it, in this my day of Tryal; for my Body is not more weakned by my Wounds, then I find my Spirit Comforted and Supported by the infinite Mercies and great Love of my Bleſſed Redeemer, who will be with me to the end and in the end. He writes to his Lady.

I am

An. 1652. *I am not able to ſay much more to you, the Lord preſerve you under your Tryals, and ſanctifie the uſe of them to the Comfort of your Soul.*

I will not ſo much as in a Letter divide my dear Neeces and you; the Lord grant you may be conſtant Comforts to one another in this Life, and ſend you all Eternal Happineſs with your Saviour in the Life to come: to both of your Cares I recommend my poor Children, let your great Work be to make them early accquainted with God, and their Duties to him; and though they may ſuffer many wants here before their Removal from hence, yet they will find an inexhauſtible Treaſure in the Love of Chriſt. May the Comforts of the Bleſſed Spirit be ever near you in all your Straits and Difficulties, and ſuffer not the leaſt repining to enter into any of your Hearts for his Diſpenſations towards me, for his Mercies have been infinitely above his Juſtice in the whole Pilgrimage of,

Dear Heart,

Worceſter, Sept. 8. 1651.

Your Own,

HAMILTON.

His Death.

ON the 11th of *September* the Dukes Pulſe failed quite, which he diſcerned firſt himſelf, and called for his Phyſician to whom he ſaid he felt no pain nor ſickneſs, but could not diſcern his Pulſe to move, and no more did his Phyſician; but imputing it to malignant vapors riſing from his Wound, he gave him ſome Cordials which made no Change upon him: and then his Spirits quitting all their Natural operations retired to his Brain, and his Intellectual Faculties, his Memory, Reaſon, and Expreſſion continued in their vigor for the ſpace of twelve hours; after that, his Voice was likewiſe entire and ſtrong. The total ceſſation of the Arterial Motion, together with a Marmoreous coldneſs, that was creeping up by degrees from all his extremities, made his Phyſician warn him that Death was approaching; the Duke anſwered, that from the beginning he apprehended his Wound would prove Mortal, but he could not think Death was ſo near him, ſince he found neither ſickneſs, pain, fainting, nor oppreſſion trouble him. He had been during his Sickneſs oft waited on both by the Miniſters of *Worceſter*, and the Miniſters who waited on the Kings Army, whom he called for; and as they Prayed and miniſtred Divine Conſolations to him, ſo they were much comforted and edified with the Chriſtian Courage and Joy he expreſt in theſe his laſt and cloſeſt Conflicts. From ſix in the morning on the 12th of *September* he lay quiet ſpeaking little, but was obſerved all the while by theſe who looked often to ſee what he was doing, that he was well imployed in mental Prayer and devout Ejaculations. About nine a Clock being asked by his Phyſician how he was, he anſwered his Heart was free of Sickneſs; but added, *That he ſhould tell his Relations in* Scotland, *that he died believing, that through the Merits of the Mediator the Lord Jeſus Chriſt, the Lord his Righteouſneſs, and through the infinite Mercies of his God, it ſhould fare with him as with the idle Labourers, in the Parable of the Vineyard, who went in at the* 11th *hour and yet received the peny; ſo he believed, that though in the laſt hour of the day he had entred into his Maſters Service, yet he ſhould receive his peny.* From that time he lay quiet, and about twelve a Clock, after three groans, without any other ſtruggling or paſſion of Death, he breathed out his Soul, and his Body was interred in the Cathedral Church

Church of *Worceſter*; for though according to his Orders for burying him with his Anceſtors at *Hamilton*, his Servants did move earneſtly that they might have leave to carry his Body to *Scotland*, yet it was flatly denied. *An.* 1651.

When the news of his Death was carried to *Scotland*, his Will was opened, which follows.

In the Name of God, *Amen.*

I William *Duke of* Hamilton, &c. *being, I thank God, in perfect Health; yet conſidering the uncertainty thereof, and the many Dangers that all men are ſubject to, and few more than my ſelf, am deſirous to leave my Worldly Affairs at the time of my Death in the beſt order I can, as it ſhall pleaſe the Lord to direct me, to whoſe Providence and Diſpenſation I humbly and wholly ſubmit my ſelf, falling down before the Throne of his Mercy, who is both the juſt Inflicter of Death upon us, and the merciful Saviour of us in it, and from it; who is the fountain of Eternal Life, and in whom there is no ſhadow of Death. Thou, O my Saviour, who knows what it is to die with me as a man, make me to know what it is to paſs through Death to Life with thee, my God: make me content to leave the World's Nothing, that I may comfortably to enjoy All in Thee, who haſt made Chriſt to me in Life gain, and (truſting only in his Merits, and Mediation) will in Death be advantage. Charge me not, O Lord, with the Sins of my Parents, nor with the multitude and hainouſneſs of my Tranſgreſſions, which I acknowledge before thee. Remember thy Compaſſions of old, and thy Loving kindneſs which have been for many Generations. Be merciful unto me, O Lord, for my Soul truſteth in thee; though thou ſhouldeſt kill me, yet will I truſt in thy Mercy, and my Saviour's Merits, for I know that my Redeemer liveth: though thou leadeſt me through the valley and ſhadow of Death, yet ſhall I fear none Evil, falling into the Arms of thy tender and Eternal Mercies. O withdraw not thy Favour from me, which is better than Life; be not far from me, for I know not how near Death is to me. Lord, let thy Servant depart in peace, for mine eyes have ſeen thy Salvation.*

My Body I bequeath to the Grave, and deſire to have it buried in the ordinary Burial-place of my Anceſtors at Hamilton, *and that no Ceremony nor Pomp at all be uſed at the interring of my ſinful Carcaſe, which hath ſo much offended and diſhonoured God; yet through Faith I hope it ſhall be ſprinkled with the precious Bloud of Jeſus Chriſt, and being re-united with my Soul, ſhall together riſe in Glory, reconciled with the Father, to enjoy Eternal Happineſs with him in Heaven.*

After this follow the Particulars of the Will, which he concludes in the following Words.

And now, O Lord, pity me in my low Condition, and bring me out of my Troubles; though the number of my Enemies be great, yet thou canſt diſappoint their Counſels; keep them, Lord, from prevailing, and turn them back that perſecute my Soul. If it be thy Will, O Lord, reſtore me to my Country, that there in peace I may finiſh the courſe of my Pilgrimage in thy fear, and live loyal and obedient to my Gracious King Charles the Second, *and faithful and dutiful to my Country: and as I truſt that through the Merits and*

An. 1652. *Mediation of Jeſus Chriſt, thou haſt forgiven all the errors of my Life, ſo I beg and hope thou wilt ſave me from the terrors of Death. Let not, O Lord, at that laſt hour my Soul be deſolate and forſaken; let not thoſe ſaving Truths I have formerly learned then fail my Memory, nor the ſweet effuſions of thy Spirit which I have ſometimes felt, then be wanting to my Heart; be with me at that time, O Lord, in a ſpecial manner, and ſend the bleſſed Comforter to aſſure me of Salvation, that I may die with Joy, and leave this World with Contentment, ſince I ſhall be confident of the Remiſſion of my ſins through Chriſt Jeſus, and of my going to that place of eternal Happineſs, which thou haſt prepared for all them that fear thee in Chriſt; to which place bring me for his ſake, to whom with thee and the bleſſed Spirit of Grace be all Honour, Praiſe and Glory, for ever and ever,* Amen. *Written by my ſelf at the* Hague *in* Holland *the* 21th *of* March 1650.

HAMILTON.

To which ſhall be added a Letter that was Sealed up with his Will to his Lady.

Dear Heart,

ALthough a very ſhort ſtay in this place may poſſibly endanger my Life; yet ſeeing theſe may chance to be the laſt words you are ever to receive from me, no hazard ſhall keep me from letting you know how ſenſible I am of the great Love and Kindneſs you have always had for me, for which the Lord reward you, unto whoſe Protection I leave you: and as I do recommend you to God, who will be near unto all that call upon him, and fulfil the deſires of them that fear him, and preſerve all them that love him; ſo I do recommend you unto your ſelf, that you would labour to ſerve, fear, and love the Lord God, and ſet him before your eyes in all your ways. Continue (as I have often been a witneſs to) your daily practice in reading the Word of God, which will be a Lamp unto your feet, and Light unto your paths. *Look not with prejudice upon any of the Meſſengers of his Word, but reverence them for their Meſſage ſake: be not too confident of your own Opinions, but examine them by the Touchſtone of Gods Word, and refuſe not to hear the admonition of his Servants. Repine not at Gods ways or diſpenſations to you, but be patient in Affliction, that you may ſay with* David, I held my tongue, I opened not my mouth, becauſe thou didſt it. *For you may have this Comfort that whom God loves he Chaſtens, and really if God had not ſaid it, man would hardly believe that Affliction cometh from his Love. But if we admit his Truth, and conſider Experience, we ſhall find that he often afflicteth them moſt, whom he loveth moſt, and who moſt love him. As for thoſe whoſe eyes ſtand out with fatneſs, and have more than their hearts can wiſh, he ſetteth them on ſlippery places, and feeds them as Oxen to the Slaughter. He is nearer to us in Affliction than in Proſperity, and we are nearer unto him: it is his menage to bring us home from our Wandrings, at leaſt I have lookt upon it ſo as to my ſelf, which makes me thus deſire you may ſo receive his Viſitations. Be frequent in Prayer, & limit not the Spirit in you to the conceptions of other men: ſhun all vain and idle Company and Converſation, and pray to the Lord to ſet a watch before your mouth, and to keep the door of your lips. Forget and hate the empty pleaſures of a licentious Court, or of* London, *and with* David

David *pray*, Turn away my eyes from beholding vanity, and quicken thou me in thy way. *Be not hasty nor passionate, keep not anger in your heart against any, have Charity for all men, even for them whom you may look upon as your Enemies, and study still rather to put the best than worst construction upon the Actions of any. Examine your self every night what good you have done the preceding day, and remember still that you are one day nearer that in which you must give an account to God of all your Actions, on whose Mercy to rely on let your earliest and latest thoughts be always fixt. Sweet Heart, much more I would say, but you know I am pressed by time; but seek to God, and in him you will find all things.* An. 1651.

The next Duty I shall recommend to you, is, that which you must pay your King: I know you need no Incitements to this Duty, else I would insist longer upon it; but I conceive it mine to recommend it to you as the Earthly thing which in the first place you ought to study.

Next unto that prefer your Duty to the preservation of the House of Hamilton *to all things else in this World, and make no difference in the testimonies of your kindness to it, whether the Lord shall think fit to continue the memory of that House in your own or my dear Brothers Issue. And I do conjure you, if you have any respect to my desires, not to suffer any difference or mistakes to arise betwixt you and them; but remember him who prefer'd [illegible] to them, and what consequently my Duty and yours is to his.*

Next I recommend to you the care of the Education of our Children: for the Lords sake study to get them acquainted with God in their young years, and to imprint his fear in their tender hearts, keep all light and idle company from them, and labour to make them rich in Piety and Vertue, Loyal to their King, and dutiful to the House of Hamilton.

As I hope all my Friends and Kindred will be dutiful to you, so I intreat you for my sake continue your respects and kindness to them.

Be careful to keep none but pious and discreet Servants in your Family, that the Lord being served and worshipped in it according to his Will, may delight to dwell in it, and to bless every member of it.

And now, Sweet Heart, seeing you know that these divers years my Life hath been a burden to me, receive my Removal as a Mercy from God, with that moderation which he commandeth, and the hope of a Joyful meeting in our Resurrection perswadeth; being confident that the Lord hath placed me in Eternal Happiness *with himself in Heaven, where he hath already laid up some pieces of my self, little* James *and* Diana. *The Lord who hath wounded you, bind up your sores, and pour the Balm of* Gilead *in your Heart; even the Comforts of the Holy Spirit, in the assurance of the Remission of your sins, and peace with him in Jesus Christ, that his Grace in you may shine to the World in a godly and vertuous Life, which having finished in his fear, you may hereafter enter with him into that Glory, which I trust in the Mercies and Mediation of Jesus Christ my Redeemer I shall be shareing of, when you shall be reading these last words and expressions from, Dear Heart,*

Your

HAMILTON.

THE Diſpoſitions which you made to me of your Lands in England, *I do here again return to you, to be diſpoſed upon by you as you ſhall think fit, being confident that you will not wrong the Houſe of* Hamilton, *or your Children, in the Diſpoſal thereof.*

The Concluſion. I ſhall conclude this Work with theſe Papers, which, though ſome nice Palats may think not ſo fit for the Publick, and better for private Cloſets than the World, yet I could not be of that opinion; for in an Age in which the ſenſe of Piety and Religion is ſo much decayed, I thought ſuch teſtimonies to the Power of it were not to be ſuppreſſed; by which it will appear, that a high-ſpirited and Great Perſon, who had taſted of all the Follies that bewitch the greateſt part of men, did in end, in the vigour of his Years and Spirits, abandon them with all the ſeriouſneſs of a hearty and lively Repentance, and found in God and true Religion ſuch ſolid ſatisfaction and joy, as did wholly overcome him, and engage him into a courſe of ſtrict Piety and of a holy Life. I wiſh this may work ſome effect upon a looſe and debauched Generation, and if the World becomes either better or wiſer through my pains, I have gained my chief end and deſign in this Work.

THE END.

THE

THE

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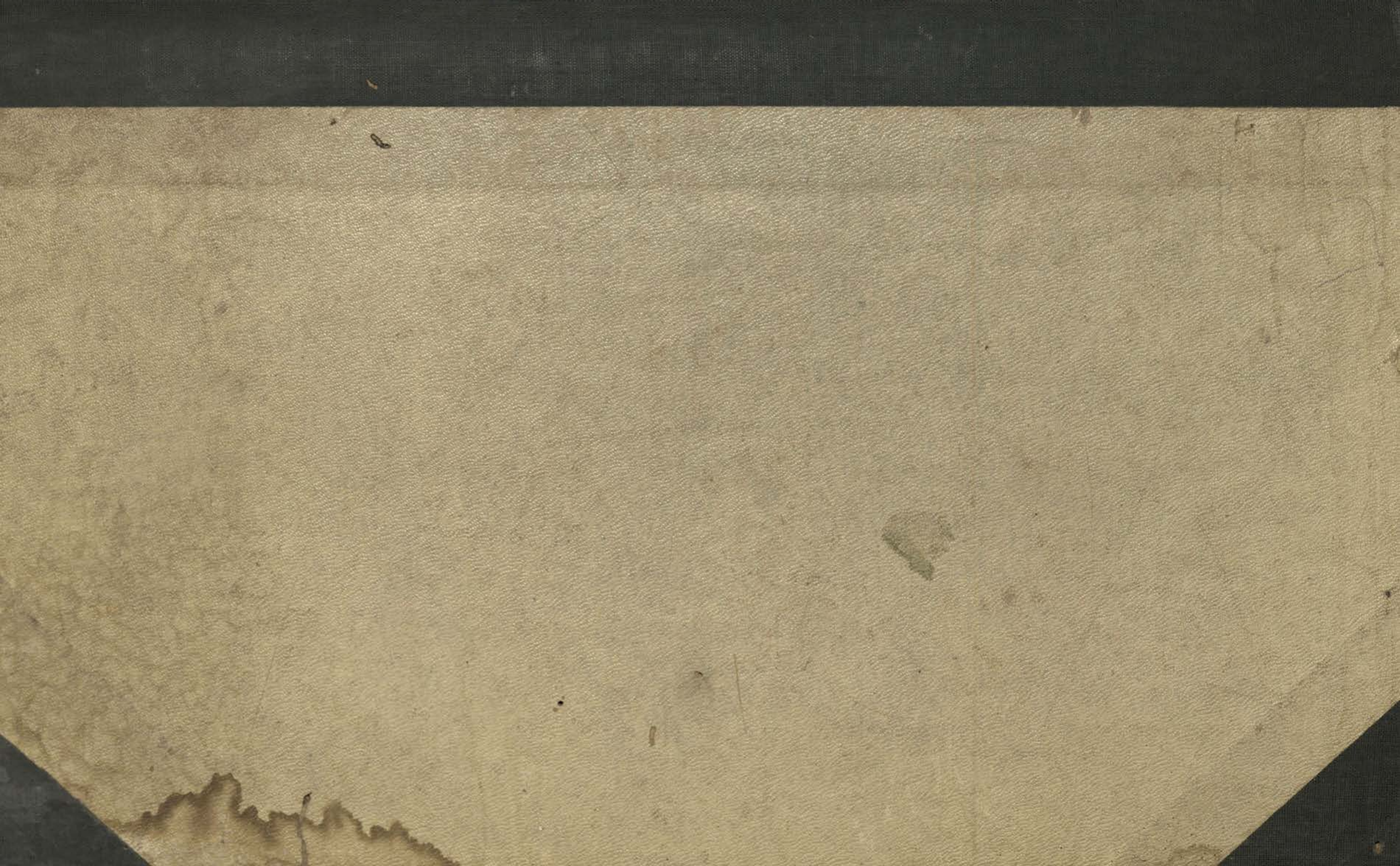
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